

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,	)
	)
Plaintiff,	)
	)
v.	) Criminal Action
	) No. 09-10017-GAO
	)
TAREK MEHANNA,	)
	)
Defendant.	)
	)

BEFORE THE HONORABLE GEORGE A. O'TOOLE, JR.  
UNITED STATES DISTRICT JUDGE

DAY TWENTY-SIX  
JURY TRIAL

John J. Moakley United States Courthouse  
Courtroom No. 9  
One Courthouse Way  
Boston, Massachusetts 02210  
Friday, December 2, 2011  
9:10 a.m.

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Cheryl Dahlstrom, RMR, CRR  
Official Court Reporters  
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Mechanical Steno - Computer-Aided Transcript

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I N D E X

	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
<u>WITNESSES FOR THE</u>				
<u>GOVERNMENT:</u>				

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E X H I B I T S

<u>GOVERNMENT'S</u>	<u>DESCRIPTION</u>	<u>FOR ID</u>	<u>IN EVD.</u>
No. 799A	Certificate of Authenticity - Massachusetts College of Pharmacy		20
No. 799	2003-2004 academic schedule		20
No. 746	Document entitled "The Designation of Foreign Terrorist Organization"		117

1 (The following proceedings were held in open court  
2 before the Honorable George A. O'Toole, Jr., United States  
3 District Judge, United States District Court, District of  
4 Massachusetts, at the John J. Moakley United States Courthouse,  
5 One Courthouse Way, Boston, Massachusetts, on December 2, 2011.

6 The defendant, Tarek Mehanna, is present with counsel.  
7 Assistant U.S. Attorneys Aloke Chakravarty and Jeffrey Auerhahn  
8 are present, along with Jeffrey D. Groharing, Trial Attorney,  
9 U.S. Department of Justice, National Security Division.)

10 THE CLERK: All rise for the Court.

11 (The Court enters the courtroom at 9:10 a.m.)

12 THE CLERK: For a continuation of the Mehanna trial.  
13 Good morning.

14 MR. CHAKRAVARTY: Good morning, your Honor. Thank you  
15 for coming out a little early. Before Mr. Kohlmann testifies,  
16 I just want to alert the Court to two issues and seek some  
17 clarification, if possible. One is that Mr. Kohlmann --

18 MR. CARNEY: Your Honor, may Mr. Kohlmann step outside  
19 during this discussion, please?

00:01 20 THE COURT: Yes.

21 MR. CARNEY: Thank you.

22 (Mr. Kohlmann exits the courtroom.)

23 MR. CHAKRAVARTY: Mr. Kohlmann has been retained in  
24 the course of his employment with -- retained by certain civil  
25 law firms for civil lawsuits, and he has signed nondisclosure

1 agreements with them. So I don't know that the details of  
2 those relationships are going to be the -- within the scope of  
3 the cross, but I both wanted to alert the Court to that as well  
4 as there's probably a way to work around the specific details  
5 of those relationships.

6 MR. CARNEY: I call it the "confrontation clause,"  
7 your Honor, the fact that Mr. Kohlmann might have some --

8 THE COURT: Well, what would you want to elicit, I  
9 guess is my question.

00:02 10 MR. CARNEY: The money he has earned from these civil  
11 cases testifying as an alleged expert in terrorism.

12 MR. CHAKRAVARTY: That is not a problem, your Honor,  
13 as long as it's not tied to, you know, on a specific case and  
14 by a specific firm he received X number of dollars. If the  
15 issue is, "Have you been paid" -- "How much were you paid in  
16 your consulting to civil lawsuits, several civil lawsuits,"  
17 then that, I think, he's prepared to answer.

18 MR. CARNEY: Well, I don't see why there is a  
19 restriction on that, your Honor.

00:03 20 THE COURT: Well, I guess the question is if there's  
21 some way to respect the defendant's confrontation rights and at  
22 the same time respect the interest of nonparties. I mean, how  
23 much -- I'm not sure I understand what's precluded by so-called  
24 nondisclosure, what types of information, but how much  
25 information is necessary to accomplish the legitimate point by

1 the defendant?

2 MR. CARNEY: Well, I'd say, first of all --

3 THE COURT: I mean, do you need to know the exact law  
4 firm, for example?

5 MR. CARNEY: I don't think so.

6 THE COURT: Do you need to know the clients?

7 MR. CARNEY: I may need to know the party on the other  
8 side.

9 THE COURT: The opponent?

00:04 10 MR. CARNEY: Yes, your Honor. But I go back to  
11 fundamentals. A private agreement between parties to keep  
12 something confidential cannot override a constitutional  
13 provision to be able to fully and fairly explore bias and other  
14 related issues with a witness.

15 THE COURT: Well, that's true, but --

16 MR. CARNEY: May I make a suggestion, please?

17 THE COURT: Yes.

18 MR. CARNEY: I assume, based on my discussions with  
19 Mr. Chakravarty, that we'll go the morning with Mr. Kohlmann.  
00:04 20 I will alert your Honor before I ask particular questions what  
21 I intend to ask, and if your Honor rules that they are improper  
22 at the sidebar, of course I will --

23 THE COURT: That sounds fine.

24 MR. CARNEY: -- defer to your ruling.

25 THE COURT: Yeah. I mean, to some degree -- to some

1 extent it may be a matter of degree, that's all. I mean, even  
2 constitutional rights operate within a structure of rules,  
3 including Rule 403 and other things, and just how necessary is  
4 it to vindicate the interests, that's all.

5 MR. CHAKRAVARTY: The other issue is --

6 MR. CARNEY: It will be enough for me to alert you  
7 beforehand?

8 THE COURT: I think so. And then we'll see, you know,  
9 how --

00:05 10 MR. CARNEY: That's what I will do.

11 MR. CHAKRAVARTY: The related issue may hopefully  
12 also -- it's a variation on a theme. The detail with which  
13 Mr. Carney will be asking the witness of his financial  
14 relationships with the variety of different entities with whom  
15 he has worked -- for whom he has worked, the government would  
16 try to respect some of his privacy rights in that sense. To  
17 the extent of not -- we're trying to get a sense of the  
18 contours that the Court is going to allow in terms of the  
19 dollars and cents, the percentage of his income, or what other  
00:06 20 probative aspect of the inquiry to the witness with regards to  
21 how much he's making, if there was a variety of different  
22 sources. There should be some limit to, you know, "How much  
23 were you paid on a certain date" versus "How much did you  
24 receive from a certain client or a certain category of  
25 clients."

1 I guess the government's preference is to go by  
2 percentages because that seems to -- and maybe total income and  
3 percentages, because that seems to be making the point that  
4 counsel will likely be making. But, you know, to ask the  
5 witness, who has prepared as best as he can to answer any  
6 financial questions, about how much, you know, he received from  
7 each individual client on a specific time frame is -- seems to  
8 be both boring to the jury as well as missing the point of the  
9 bias line of impeachment.

00:07 10 THE COURT: Well, I think the principal limit would be  
11 Rule 403, and I would think it appropriate for questions on all  
12 of those topics to be asked and answered. And then again, it's  
13 a matter of degree. If it gets too cumulative or redundant or  
14 time wasting or whatever, 403 can be called into it. But  
15 financial interests as a potential source of bias is a major  
16 area of inquiry for a cross-examiner which is --

17 MR. CHAKRAVARTY: The government recognizes that. I  
18 guess it's the form of the questioning and how he should be  
19 answering. Are we answering gross dollars? Are we answering  
00:07 20 percentages --

21 THE COURT: I won't limit that at this point.

22 MR. CHAKRAVARTY: That was all, your Honor.

23 THE COURT: Okay. So we're going to finish some  
24 readings and then get to Mr. Kohlmann?

25 MR. CHAKRAVARTY: Pursuant to the Court's pretrial



1 ruling, Mr. Kohlmann will attend the conclusion of  
2 this -- Mr. Solecki's readings. He actually will be talking  
3 about some of the items that will be read.

4 MR. CARNEY: I have no objection to that, your Honor.

5 THE COURT: Oh, he will be here for that reading?  
6 Fine. He's probably read all of this stuff anyway, so... It's  
7 not like fresh testimony from a sequestered witness.

8 MR. CARNEY: Yes.

9 (Pause.)

00:09 10 THE CLERK: All rise for the jury.

11 (The jury enters the courtroom at 9:19 a.m.)

12 THE CLERK: Please be seated.

13 THE COURT: Good morning, jurors.

14 THE JURORS: Good morning.

15 THE COURT: Mr. Groharing, you may resume.

16 MR. GROHARING: Thank you, your Honor.

17 Please call up Exhibit 569?

18 THE COURT: Are the jurors getting the image? Yes?

19 All right.

00:11 20 BRIAN J. SOLECKI, resumed

21 CONTINUED DIRECT EXAMINATION

22 BY MR. GROHARING:

23 Q. Special Agent Solecki, is this a chat between the  
24 defendant and Ahmad Rashad on June 8, 2006?

25 A. Yes, it is.

1 Q. "Brother, I can't believe this."

2 A. "Me neither."

3 MR. GROHARING: Your Honor, I don't know if my  
4 microphone is picking up. Are you hearing --

5 THE COURT: Wait a minute.

6 BY MR. GROHARING:

7 Q. Please continue.

8 A. "Me neither."

9 Q. "I swear, I could not stop crying all day. I tried  
00:12 10 calling you. Man, I never been so sad about anyone, even my  
11 own grandmother, like that. You see the dogs on TV are all  
12 happy."

13 And Ahmad Rashad sends a link.

14 "Man, I don't even know."

15 Does the defendant then send a link to Ahmad Rashad?

16 A. Yes.

17 Q. Is that link titled "Zarqawi\_airstrike.wmv"?

18 A. Yes.

19 Q. "Traitors. Did you see his pic?"

00:13 20 A. Yeah.

21 MR. GROHARING: Next page, please?

22 Q. "Man, he looked so beautiful. His face is full of light.  
23 My dad woke me up at 7 a.m. or something to tell me, and I  
24 could not sleep since then. I want to leave this country.

25 "Hey, bro, remember the shaykh. We hear his voice in all

1 the thunder buns and we did not know his name?"

2 And then Ahmad Rashad sends a link.

3 "That's him. We have to renew our repentance, man, and  
4 really take this deen seriously, man. Man, the dogs live and  
5 people like him die. That list, he does not have to live in  
6 this zool, in this humiliation, and falsehood.

7 "Anyhow, man, let it be.

8 "What are you up to, man?"

9 A. "Noon prayer."

00:14 10 Q. "Sorry to bother you. Just want to talk to anyone. You  
11 don't know how I feel, man. I love this man more than myself.  
12 I swear."

13 And then does Ahmad Rashad send a link?

14 A. Yes.

15 Q. Special Agent Solecki, are you familiar with who they are  
16 talking about in this chat?

17 A. I believe they're talking about Zarqawi.

18 Q. Are you familiar with the circumstances of his death?

19 A. During this time frame he was killed by coalition forces  
00:14 20 in Iraq.

21 Q. And what was his title at that point?

22 A. At that point in time he was serving as the leader of  
23 al Qa'ida in Iraq.

24 MR. GROHARING: Pull up Exhibit 680, please?

25 Q. And is this a chat between the defendant and Edgar on June

1 8, 2006?

2 A. Yes, it is.

3 Q. "Celebrate, man. Our brother got paradise, Allah  
4 willing."

5 A. Sad face.

6 Q. "He got what he wanted."

7 MR. GROHARING: Next page, please?

8 Q. "Too bad we're left with the mess here.

9 "Yeah, bro, if all the video and clips that we see on the  
00:15 10 internet should teach us anything, is that there are a million  
11 lined up to replace, just as worthy, just as savage, just as  
12 cunning just as on Islam, we just don't know their names. Make  
13 supplication for them. Allah knows them."

14 A. "Yeah. Ah, well."

15 Q. "Next we should get a group of bros together to pray  
16 funeral prayers."

17 A. "If it takes two American F-16s to kill you, then you know  
18 you're something."

19 Q. "Those f'ing pigs are so touchy about their fag homo  
00:16 20 goat," symbol, "Marines being photographed in their little  
21 pansy boxes but they don't respect our dead. I don't think  
22 they will turn the body back to Ahlo and his parents in  
23 Jordan."

24 A. "Dude, this event confirmed for me how stupid the U.S.  
25 military is. If they knew where he was and they knew how

1 lightly armed he is, why didn't they just go in, capture him,  
2 humiliate him, extract intelligence, et cetera, rather than  
3 make the man an eternal symbol of their worst nightmare?"

4 Q. "Because they knew it would be at a cost."

5 A. "Yes."

6 Q. "They knew they had at least a 24-hour fire fight ahead of  
7 them. To be honest, this brother is a martyr, Allah willing.  
8 He got what we all yearn for, so God bless, I am not sad. I am  
9 happy for him. Anyone who knows anything knows that we are  
00:17 10 just at the beginning."

11 MR. GROHARING: Next page, please?

12 Q. "Your life isn't over, brother. Hope for the best and  
13 prepare, prepare, prepare."

14 A. "Bro."

15 Q. "Can any of us run a mile in seven minutes? No."

16 A. "Take it easy online," smiley face.

17 MR. GROHARING: I would now like to publish a number  
18 of exhibits -- photos that were found on the defendant's  
19 computer, your Honor.

00:17 20 THE COURT: All right.

21 MR. GROHARING: First is Exhibit 86.

22 (Exhibit No. 86 published to the Court and jury.)

23 MS. BASSIL: Your Honor, please note my previous  
24 objection.

25 THE COURT: Yes, noted.

1 MR. GROHARING: Exhibit 102, please.

2 (Exhibit No. 102 published to the Court and jury.)

3 MS. BASSIL: Your Honor, may we be heard at sidebar?

4 (Discussion at sidebar and out of the hearing of the  
5 jury:)

6 MS. BASSIL: Your Honor, these are thumbnail photos  
7 and they should remain thumbnail photos. By blowing them up,  
8 it distorts what they are. You know the issue about  
9 thumbnails. Our experts are going to come in and testify. And  
00:18 10 it's unfair to make them bigger than they are. They should be  
11 the size that they were on his computer and that's what the  
12 jury should see. They're pretty self-evident, what they are at  
13 thumbnail level. Making them bigger than they are distorts the  
14 evidence.

15 MR. GROHARING: I think it allows the jurors to see  
16 the evidence.

17 MS. BASSIL: They've seen umpteen million photographs  
18 of Zargawi, Osama bin Laden and the World Trade Center. I  
19 don't think you can mistake them. And the agent can identify  
00:19 20 "This is Zargawi," "This is this" and "This is that."

21 MR. GROHARING: And he will at the end of --

22 THE COURT: I think it's a fair point. They should be  
23 presented as -- I mean, I don't know what or whether it matters  
24 to be a thumbnail.

25 MS. BASSIL: It means it was in deleted space and it

1 wasn't downloaded.

2 THE COURT: Well, there may be a controversy about  
3 that.

4 MR. GROHARING: Precisely --

5 THE COURT: But if it's raw --

6 MR. GROHARING: -- your Honor.

7 THE COURT: -- material, I guess is a way of saying  
8 it -- in other words, if the examination of the hard drives and  
9 the copying of it, I guess, the imaging of it produced them in  
00:20 10 a particular format, large or small, it seems that that's the  
11 way they were found and that's the way they should be  
12 displayed. It might be that somebody could explain why  
13 manipulating them by changing the size is not inappropriate,  
14 but without that testimony, I think they should be presented  
15 in --

16 MR. GROHARING: This is no different, your Honor, than  
17 I just turn the volume up on a recording.

18 MS. BASSIL: It is different. Of course it is.

19 THE COURT: I don't know.

00:20 20 MS. BASSIL: Of course it is. If you didn't have a  
21 transcript on a recording and you were just going on what the  
22 jury was hearing, all right, it would be unfair to turn it up  
23 to a huge volume.

24 THE COURT: Well, I don't know. I'm not sure.

25 MS. BASSIL: And this is the way they were on his

1 computers. This is a distortion of the evidence.

2 MR. GROHARING: We don't know if they were the way  
3 they were on the computer.

4 MS. BASSIL: No, your expert testified it was an exact  
5 mirror drive. Exact.

6 MR. GROHARING: Well, we don't know how it was  
7 explained on this screen or how it would be displayed on his  
8 computer.

9 MS. BASSIL: It doesn't matter. Their experts said  
00:21 10 they were thumbnail pictures and thumbnails is important.  
11 Blowing it up to a big picture is a distortion of the evidence.  
12 It is unfair. And it is important in terms of what our expert  
13 is going to testify to about this.

14 THE COURT: No, I think it can be done if it's clear  
15 that it's altering --

16 MS. BASSIL: I think that's unfair. I think that's  
17 completely unfair, you know --

18 THE COURT: I mean --

19 MS. BASSIL: It's unfair we're having 34 pictures of  
00:21 20 this. They should at least be in the exact form in which the  
21 government received them and took them from his computer.

22 THE COURT: I think magnification -- and the sound  
23 analogy is an interesting one. Magnifying the chats too, to  
24 focus on things. So I think a simple magnification is not a  
25 problem as long as it's --



1 MS. BASSIL: I move for a mistrial.

2 THE COURT: -- as long as it's clear that it is  
3 magnified.

4 MS. BASSIL: I move for a mistrial on all of the  
5 unfairness about these pictures and the Court's ruling on this.

6 THE COURT: Denied.

7 (In open court:)

8 MR. GROHARING: May I proceed, your Honor?

9 THE COURT: Go ahead.

00:22 10 MR. GROHARING: May I please have Exhibit 108  
11 displayed?

12 MS. BASSIL: Your Honor, can Mr. Groharing at least  
13 show them at the size they were when they were found on the  
14 defendant's computer before he blows them up?

15 THE COURT: Well, I think we need a statement that  
16 these are magnified images from thumbnails on the computer.

17 MR. GROHARING: Yeah, I mean, obviously, Mr. Bruemmer  
18 is -- similar to what he's doing with the chats -- putting a  
19 box around the photo so it's easier to view for the jury. We  
00:22 20 don't mean to disguise how it --

21 THE COURT: How about this? Is this the same one,  
22 108?

23 MR. GROHARING: Yes, your Honor.

24 THE COURT: It was just larger and now reduced?  
25 Maybe, can you, for each one, show the smaller one and then the

1 larger one?

2 MR. GROHARING: That's fine, your Honor.

3 Would you bring it up?

4 THE COURT: So for each one you'll begin with the  
5 smaller size, the thumbnail, and then you can enlarge it for  
6 viewing.

7 MR. GROHARING: I think we're ready for Exhibit 110.

8 (Exhibit No. 110 published to the Court and jury.)

9 THE COURT: Okay. Now the larger, please.

00:23 10 MR. GROHARING: Exhibit 111, please. And larger?

11 (Exhibit No. 111 published to the Court and jury.)

12 MR. GROHARING: Exhibit 112, please?

13 (Exhibit No. 112 published to the Court and jury.)

14 MR. GROHARING: Exhibit 113, please?

15 (Exhibit No. 113 published to the Court and jury.)

16 MR. GROHARING: Exhibit 114, please?

17 (Exhibit No. 114 published to the Court and jury.)

18 MR. GROHARING: Exhibit 115, please?

19 (Exhibit No. 115 published to the Court and jury.)

00:24 20 MR. GROHARING: And Exhibit 117, please?

21 (Exhibit No. 117 published to the Court and jury.)

22 BY MR. GROHARING:

23 Q. And, Special Agent Solecki, do you recognize the  
24 individual who was in all the photos that we just saw?

25 A. I do.

1 Q. Who was that?

2 A. That is Zargawi.

3 MR. GROHARING: Could I have Exhibit 799A, please?

4 Q. Special Agent Solecki, do you recognize that exhibit?

5 A. Yes, I do.

6 Q. What is it?

7 A. It looks like it's a certificate of authenticity from the  
8 Mass. College of Pharmacy and Health Sciences.

9 Q. And is that the Mass. College of Pharmacy and Health  
00:25 10 Sciences in Boston, Massachusetts?

11 A. Yes, it is.

12 MR. GROHARING: May I have Exhibit 799, please?

13 Q. Do you recognize this exhibit?

14 A. Yes, I do.

15 Q. What is it?

16 A. It is the 2003-2004 academic schedule for the Mass.  
17 College of Pharmacy.

18 Q. Now, can you please indicate when, according to that  
19 schedule, classes ended for the fall semester of 2003?

00:26 20 A. On December 12th.

21 Q. That's December 12th of 2003?

22 A. 2003, yes.

23 MR. GROHARING: Your Honor, actually, I don't believe  
24 these exhibits have been admitted.

25 THE COURT: I think you're right.

1 MR. CHAKRAVARTY: I'd ask that they be admitted at  
2 this point.

3 THE COURT: Okay. Any objection?

4 MS. BASSIL: No, your Honor.

5 THE COURT: Okay. 799A and 799 admitted.

6 (Government Exhibit Nos. 799A and 799 received into  
7 evidence.)

8 BY MR. GROHARING:

9 Q. And could you please indicate when classes resumed for the  
00:26 10 January 2004 semester at the Mass. College of Pharmacy?

11 A. Spring classes began on January 12th, 2004.

12 MR. GROHARING: Next page, please?

13 Q. Based on your review of the schedule, when was the spring  
14 break for the Mass. College of Pharmacy?

15 A. Spring break was from March 6th to March 14th, 2004.

16 Q. Okay. Based on your review was there any break in the  
17 schedule that occurred from February 1st, 2004, to February  
18 16th, 2004?

19 A. No.

00:27 20 MR. GROHARING: Exhibit 690, please?

21 Q. Is this a chat between the defendant and someone named  
22 Mu'awiyah on March 30, 2006?

23 A. Yes, it is.

24 MR. GROHARING: Page 3, please?

25 Q. And can you please read the portions attributed to the

1 defendant?

2 A. "If you can't express your hatred of this disbeliever who  
3 supports the war, then quit the job. That is what I did."

4 Q. "But I have just started it. He is not that kind of  
5 supporter of war who caused problems. I just found him today,  
6 that he gave special discount prices to a maggot crusader  
7 soldier that entered the place because 'he was in service.'"

8 A. "Hehe."

9 Q. "Otherwise, he doesn't speak about politics or religion.  
00:28 10 This maggot entered in his full U.S. Army uniform. The same  
11 one they wear in Iraq. I felt disgusting to see him *[sic]*."

12 A. "Brother, it could have been worse."

13 Q. "I really hate to live in the country longer. I wish to  
14 go back to Arabia or some other place where I don't see these  
15 filthy kufr disbelievers."

16 A. "Heh. Join the club, brother."

17 Q. "Which club? Laugh out loud."

18 A. "The 'I want to get out of here' club."

19 Q. "Brother, we are planning collective migration with some  
00:29 20 of the brothers here."

21 A. "To where?"

22 Q. "Yemen, Allah willing."

23 A. "Hehe."

24 Q. "There are some Yemeni brothers" --

25 A. "Great."

1 Q. -- "from powerful tribes and of our creed."

2 A. "The place to go is Ma'rib. I was there" --

3 Q. "Laugh out loud. Yes, they are Ma'ribi."

4 A. -- "two years ago."

5 Q. "Wow. Tell me about it, brother."

6 A. "Heh, where I do start?"

7 Q. "How is the place" --

8 MR. GROHARING: Next page, please?

9 A. "It's like" --

00:29 10 Q. -- "and the people?"

11 A. -- "Afghanistan. Very, very old-school tribal place, mud  
12 huts, et cetera."

13 Q. "Yes. This is what the brothers are saying."

14 A. "Many mujahideen live there."

15 Q. "They say it is anarchy."

16 A. "Yeah, the government has no control."

17 Q. "No government anywhere to be sighted?"

18 A. "Yeah."

19 MS. BASSIL: Your Honor, I would ask that the first  
00:30 20 part of the second page of this be read. That was the lead-up  
21 to the first conversation that was read, and it puts that  
22 conversation in context.

23 MR. GROHARING: Your Honor, defense counsel can have  
24 that read on cross if they desire. I think the conversation is  
25 properly in context as it's been read.

1 MS. BASSIL: I think the government started the  
2 conversation in the middle and they did not lead up to where it  
3 was appropriate. By cutting it off, it was unfair and  
4 distorted the defendant's statements.

5 In fact, it's the whole second page, your Honor.

6 (Pause.)

7 MR. GROHARING: Your Honor, we wouldn't object to that  
8 being read on cross.

9 THE COURT: I think --

00:31 10 MR. CHAKRAVARTY: If it expedites matters, we're happy  
11 to read it now.

12 THE COURT: Yeah, I think it can be read now.

13 MR. GROHARING: So if you could go back to page 2.

14 Ms. Bassil, is that the entire page you would like  
15 read?

16 MS. BASSIL: Yes, please. Thank you.

17 BY MR. GROHARING:

18 Q. "Brother, I would like to discuss friendliness with  
19 supporters of war. In your view, brother, what constitutes  
00:31 20 friendliness with them?"

21 A. "Allah knows best, but any type of kindness."

22 Q. "To be honest, brother, today I found out my manager is a  
23 supporter of war. Unfortunately, brother, I smiled to him  
24 while he was talking, and it was a conversation on some work  
25 matter. And I hated that smile. Brother, do you think I'm

1     ruined?"

2     A.    "Brother, take it easy.  No, you are not."

3     Q.    "I felt I had contradicted my faith directly."

4     A.    "Brother, come on.  This issue of smiling is an issue of  
5     independent thinking.  It isn't a ruling matter where there is  
6     a text that forbids smiling in their faces."

7     Q.    "Brother, but does that constitute friendliness?"

8     A.    "I don't know, man.  Allah knows best."

9     Q.    "And friendliness to the enemies of Allah is as it is not  
00:32 10    disassociating from the idols *[sic]*."

11    A.    "Brother, no, it is not.  You are taking these issues too  
12    literally.  The prophet and the companions used to feed their  
13    prisoners.  Those who had raised their swords against the  
14    Messenger of Allah would be fed by the Messenger of Allah."

15    Q.    "But they subjugated and their tongues and actions  
16    silenced from enmity."

17    A.    "Brother."

18           MR. GROHARING:  Exhibit 588, please?

19    Q.    Is this a chat between the defendant and Ahmad Abousamra  
00:33 20    on April 10, 2006?

21    A.    Yes, it is.

22           MR. CHAKRAVARTY:  Page 3, please?

23    Q.    Would you please read the portions attributed to the  
24    defendant?

25    A.    "I saw KZ the other day."



1 Q. "And when you tell them something, they just give you  
2 pseudo polytheist infidel excuses. Where did you see him?"

3 A. "At Kamil's house."

4 Q. "What happened?"

5 A. "Nothing. He seems to be" --

6 Q. "Did he really change?"

7 A. "Seems so. No beard."

8 Q. "Clean-shaven completely?"

9 A. "Stubble. Like Tantawi's is thicker."

00:34 10 MR. GROHARING: Next page, please?

11 Q. "Yeah, but that could be for numbers of reasons. He might  
12 be doing papers or something for his wife. Or he might buy  
13 into the sect of Ash-Shingeetee's son as related by Sas. It  
14 doesn't mean he changed as a whole."

15 A. "Yeah, Allah willing. God knows best."

16 Q. "I mean, anything he say regarding the religion that  
17 sounded like he's a person seeking interest?"

18 A. "He said something about getting something for his  
19 birthday."

00:34 20 Q. "His own birthday?"

21 A. "Yes."

22 Q. "That doesn't make sense. He's going to buy something for  
23 his own birthday" --

24 A. "No, like" --

25 Q. -- "or someone bought him something, not him requesting

1 it?"

2 A. "His mom asked him what he wanted for his birthday and he  
3 told her what he wanted. Just got the impression" --

4 Q. "Maybe he's takfeeree" --

5 A. -- "of overall change."

6 Q. -- "and he makes permissible of their wealth?"

7 A. "I was disappointed and left."

8 MR. GROHARING: Next page, please?

9 Q. "I said don't be harsh because we don't want him to  
00:35 10 apostasy against us."

11 A. "Na. Well, he essentially has."

12 Q. "How?"

13 A. "Dude."

14 Q. "I'm talking about real apostasy."

15 A. "Oh."

16 Q. "Like my ex."

17 A. "Well, he obviously wouldn't go that far, but I have no  
18 respect for people who go back on their heels."

19 Q. "Yeah, stop signs are so obviously a manifestation of  
00:35 20 wickedness and sorcery."

21 A. "?"

22 Q. "That was for Bri."

23 A. "I'm not just talking about J, I'm talking about the  
24 overall attitude."

25 Q. "Yeah. I got to go to the mosque for sunset prayer. Talk

1 to you later, Allah willing."

2 A. "Okay. Peace."

3 MR. GROHARING: Exhibit 562, please?

4 Q. Is this a chat between the defendant and Ahmad Rashad on  
5 April 15, 2006?

6 A. Yes.

7 MR. GROHARING: Page 2, please?

8 Q. "What's the story with Abu Dawud?"

9 A. "Nothing in particular, but I don't know him too well so I  
00:36 10 don't like to talk about certain things around him."

11 Q. "'Cause I know him for almost four years now and I only  
12 saw good things from him."

13 A. "Yeah, but" --

14 Q. "Is there anything?"

15 A. -- "brother, with my visits I kinda want to be careful,  
16 you know."

17 Q. "Yeah. By the way, he knows your story."

18 A. "Yeah. Exactly. Which is a bigger problem because I have  
19 no idea how he found out. I mean, people have the biggest  
00:37 20 mouths, and you would think they are still in kindergarten,  
21 glory be to Allah."

22 Q. "I'm just telling, man, that if he was messed up he would  
23 have done something, but he never talks about it."

24 A. "I'm not saying he is or isn't anything, all I'm saying is  
25 I don't like taking risks."

1 Q. "I understand, man. I'm just telling you I know the guy  
2 and I used to stay at his house, and I knew him before him and  
3 I were really into the religion."

4 A. "Yeah, he's a good guy. But, see, the problem is not  
5 necessarily him."

6 Q. "My advice" --

7 MR. GROHARING: Next page, please?

8 Q. -- "do not talk too much with Omar. Omar, he is good guy  
9 but he talks a lot."

00:38 10 A. "Yeah, that is my point. Like my story. I didn't tell  
11 anybody about it, but people that I have never even heard of  
12 know about it."

13 Q. "Maybe the ones who went with you. I mean, I know who  
14 went with you."

15 A. "Yeah, but, only Allah knows best."

16 Q. "Brother, a lot of bros who grew up here have that. They  
17 talk a lot."

18 A. "Yeah, like women."

19 Q. "Like I did not even want to tell you that I knew."

00:38 20 A. "Is Abu Dawud the one who told you?"

21 Q. "No, brother. He never talks about it. That's what I'm  
22 saying."

23 A. "So who told you?"

24 Q. "Please, I don't want you to be upset with anyone."

25 A. "I won't be upset, but it's for my own safety, man. I

1 gotta know who knows."

2 Q. "Like I did not want to tell you, man, because I was,  
3 like, if Tariq wanted me to know, he would have told me. And  
4 it never got out to anyone."

5 A. "Who told you, man?"

6 Q. "Not even Ihab. They thought I knew. They don't talk  
7 about it anymore."

8 A. "Okay. Who is 'they'? Don't worry, man. I swear I'm not  
9 upset, but I would just like to know."

00:39 10 Q. "I mean, it's a must? I really don't like to be like  
11 that."

12 There are two more lines here from the defendant.

13 A. "Yes, it's a must because this is something that involves  
14 me."

15 MR. GROHARING: Next page, please?

16 Q. "I know but I don't like to be he said/she said this."

17 A. "That's different. Like I said, this is an issue that  
18 involves me personally."

19 Q. "I swear, I really don't want you to be upset. I just  
00:39 20 told you I know because I was worried about you, wanted you to  
21 watch out. I don't want to be a reason you get upset with  
22 anyone."

23 A. "Yeah, brother. I won't be upset. I swear."

24 Q. "Promise me you want to talk to them about it. Won't."

25 A. "I swear."

1 Q. "The Mexican and Omar. But I swear, they really thought I  
2 knew because you and I are good friends and they did not mean  
3 anything."

4 A. "Ah, all right."

5 Q. "Please, man. I really feel bad now."

6 A. "No. No, it's okay. I am just glad it was them. I just  
7 hoped it wasn't someone I didn't know that well."

8 Q. "Nah, don't worry, man."

9 A. "Praise be to Allah."

00:40 10 Q. "Abu Dawud, man, I don't like a lot of things he does, but  
11 he is strong and someone I could trust, so I just wanted to  
12 know if there was anything."

13 A. "No, there's nothing specific."

14 Q. "Like I said, just watch out, especially for bros that  
15 grew up here. They talk a lot. They don't mean it, but it's  
16 just the culture."

17 A. "Brother."

18 MR. GROHARING: Exhibit 732, please?

19 Q. Is this a chat between the defendant and someone named  
00:41 20 Tauqir on May 18, 2006?

21 A. Yes.

22 MR. GROHARING: Page 2, please?

23 Q. "I think AF wants to go there."

24 A. "No, he'll come back and cut our throats."

25 Q. "It's that bad, brother? You should speak to him."

1 A. "Yes. There is a better camp. The one I was at,  
2 Abul-Hasan's camp. They're Salafi."

3 Q. "Is he also a student of his?"

4 A. "But not extreme. Yes, he was a student of Muqbil's."

5 Q. "What is Shaykh Yahya like?"

6 A. "Well, one of the brothers there told me that Shaykh Yahya  
7 wouldn't even shake his hand because he didn't consider him to  
8 be Salafi."

9 Q. "Oh, man. He would smack me in the face."

00:42 10 A. "I mean, you'd gain some knowledge there and everything,  
11 but you'd also come back hating the world."

12 Q. "You wouldn't be able to interact with people."

13 A. "Yeah. Abul-Hasan's camp is awesome. He should go there.  
14 I didn't want to leave it, man."

15 MR. GROHARING: Next page, please?

16 Q. What does the defendant say here?

17 A. "One of Abul-Hasan's bodyguards got martyred in Iraq."

18 MR. GROHARING: Exhibit 696, please?

19 Q. And is this a chat between the defendant and Mu'awiyah on  
00:43 20 May 22, 2006?

21 A. Yes, it is.

22 MR. GROHARING: Second page, please?

23 Q. "So, brother, tell me about Ma'rib."

24 A. "Heheh, it's a wild land. Very tribal. Full of  
25 bandits" --

1 Q. "Have you seen tribe infighting there?"

2 A. -- "and al Qa'ida."

3 Q. "You mean thieves with regards to bandits?"

4 A. "When I was there, there was no such fighting. Yes,  
5 thieves. But also a lot of foreigners, Egyptians from the  
6 jihad group who escaped Egypt in the '80s and came there. But  
7 they are all fugitives and underground."

8 MR. GROHARING: Next page, please?

9 Q. "Are they living there without any hindrance?"

00:43 10 A. "No, they are all being hunted by the government."

11 MR. GROHARING: Exhibit 777A and 778A, please? Can I  
12 have those on a split screen, please?

13 Q. Now, on the left side of your screen, is this a document,  
14 it says, "Letter from Duaa"?

15 A. Yes, it is.

16 Q. And please tell me if I read this correctly. "I'm the  
17 oldest in a family of five. There is me. My name is Duaa, if  
18 they haven't told you. I'm 21; my brother Ahmad is 20 and my  
19 sister Sarah is 13. I was born in Cairo and so was my brother.  
00:44 20 We all moved to New York when I was three, and that is where we  
21 have resided ever since."

22 Have I read that correctly?

23 A. Yes.

24 Q. Please tell me if I read this correctly. "Thank you for  
25 taking the time to answer so thoroughly. Here are my answers



1 to my own questions, plus your additional ones. Family bio:  
2 My real name is Tariq, first of all. I'm 23 years old and was  
3 born here in the United States, in Pittsburgh, PA. In addition  
4 to my studying, I am employed as a pharmacy intern at a local  
5 hospital, and also work side hours here and there at local  
6 retail pharmacies, CVS, et cetera."

7 A. Yes.

8 MR. GROHARING: And can I have on the right-side  
9 screen page 2, please?

00:45 10 Q. And please tell me if I read this correctly. "I started  
11 practicing in the summer of 2000. Prior to that I was  
12 unfocused, but I was never falling into the things that  
13 disbelievers around me were doing, as my parents did a good job  
14 of keeping me within some limits. I was always politically  
15 minded so I always felt a sense of connection to the nation,  
16 and hatred for what was being done to it, even though I wasn't  
17 fully practicing Islam myself.

18 "Then one day in Ramadhaan 1999 a friend of mine had  
19 showed me a video from Chechnya that he had obtained from a  
00:46 20 brother who had strove there. This pointed me in the right  
21 direction. Since then it's been an uphill struggle to purify  
22 myself, but praise be to Allah, at least it's a struggle up the  
23 correct hill.

24 "So from day one my practice of Islam was always  
25 associated with the absent obligation. As a result, I never

1 went through any phases or anything. The method I am on now is  
2 the same method I was on when I started back in 2000."

3 MR. GROHARING: Back to the left side, please? Could  
4 you go to the fifth page?

5 MS. BASSIL: Your Honor, if we may be heard on this?

6 THE COURT: All right.

7 (Discussion at sidebar and out of the hearing of the  
8 jury:)

9 MS. BASSIL: Your Honor, let me show you. What this  
00:47 10 is is, the first thing, a letter from Duaa, who was a girl he  
11 was engaged to, all right? All right? And then the second  
12 part --

13 THE COURT: Hold on. I just want to see. It's fairly  
14 long.

15 MS. BASSIL: Yeah, it was an email, actually. I think  
16 it was in email form. I don't think they wrote letters. And  
17 then he responded to the questions she asked. So to do this  
18 back and forth like this without putting in what she's saying  
19 really distorts this, especially about the word "practicing"  
00:48 20 and that phrase because -- let me explain this. This is a  
21 girl, apparently, who was very clear that she was not  
22 interested in anybody unless he was going to go fight in jihad;  
23 in fact, she says at one point -- where is it -- she hopes to  
24 have four children and she hopes her husband -- she certainly  
25 expects her husband not to be there after that, and that would

1 be not only okay with her, but it's what she demands. So he  
2 responds to that.

3 By not including that, it makes it sound as though  
4 this is what he's telling her. In fact, he's responding to  
5 what her demands are. So I think this --

6 MR. GROHARING: That's what I'm going to read  
7 because --

8 MS. BASSIL: Are you going to read -- well, she should  
9 go first, is what I'm saying. They need to have what she said  
00:48 10 and then what he said --

11 THE COURT: This is pretty out of context for the  
12 jury, I mean, these pickings.

13 MS. BASSIL: Right.

14 THE COURT: I didn't know what these things were as  
15 you started reading them. So is the jury comprehending this?  
16 I know that the witness probably isn't able to establish the  
17 foundation, but there may not be --

18 MR. GROHARING: Paragraph 6 where she talks about her  
19 desire to marry someone who's going to go fight, he responds to  
00:49 20 that paragraph, and Paragraph 6 of his own that says, "I'm just  
21 the guy for you. Just so you know, I went over there for that  
22 purpose."

23 THE COURT: That's fine. I assume that the two  
24 letters -- I guess they're already admitted.

25 MS. BASSIL: Right. But what I'm saying is --

1 THE COURT: But the question isn't whether the letters  
2 can be read or they can be in evidence, but somehow the jury  
3 can make some sense out of this as it's being presented,  
4 because right now it's so floating in the air that --

5 MS. BASSIL: See, I think my suggestion would be -- I  
6 mean, it's obvious when you read these fully they're trying to  
7 get to know each other.

8 THE COURT: Yeah. Let me just say if it is a question  
9 and response, then the logical way to do it -- or a statement  
00:50 10 and response, whatever -- the logical sequence -- if you follow  
11 the logical sequence it will be easy for the jury to follow the  
12 evidence, that's all.

13 MS. BASSIL: Right. She lists everything she wants:  
14 who she is, what she's about, what she studies, what she wants  
15 in a husband, and then she responds.

16 THE COURT: A proposal and a counterproposal.

17 MS. BASSIL: But he didn't marry her.

18 THE COURT: But as I say, I mean, I think if you  
19 present it --

00:50 20 MR. GROHARING: I think it would be more clear if we  
21 read the paragraphs. If you read Paragraph 6 and the response,  
22 it's clear.

23 THE COURT: Well, all I'm saying is, I'm sympathetic  
24 with the jury's being unable to see this.

25 MS. BASSIL: Frankly, I think if you want -- I think

1 that if they want to read about -- his response about  
2 practicing, they should read all of her response about  
3 practicing, which includes, you know, what she responds to.

4 MR. GROHARING: There's a paragraph in here and his  
5 response that kind of explains what's going on between the two.  
6 I think to situate the jury, I'll read that and then go back  
7 to --

8 THE COURT: I don't think it's necessary to read the  
9 entire letters.

00:51 10 MS. BASSIL: No. No. But I'm saying certain  
11 responses are really in response.

12 (In open court:)

13 MR. GROHARING: So I guess go to page 6, please,  
14 first, on the letter to Duaa, the document on the left side --  
15 or the letter from Duaa.

16 BY MR. GROHARING:

17 Q. And please tell me if I read this correctly and it is a  
18 part of the letter -- the text that was contained in the letter  
19 from Duaa. "From what I've written, I think you can judge for  
00:52 20 yourself whether there is a basic level of compatibility  
21 between us in terms of some of the characteristics I desire in  
22 a husband, in terms of a few things I see myself doing in the  
23 future, and in terms of some of the things I want to gain from  
24 marriage, Allah willing.

25 "Allah willing, if you feel there are major differences

1 between us in any of these preliminary aspects, it would be  
2 better not to continue with this, and praise be to Allah,  
3 neither of us will have lost anything. If that is not the  
4 case, then Allah willing, if it is possible, when you have time  
5 I would like for you to answer those same questions as well.  
6 And if you could, please answer for me some of the questions I  
7 had, then that would be greatly appreciated."

8 Did I read that correctly?

9 A. Yes.

00:53 10 Q. And does that come from the letter to Duaa, the document  
11 on the left side -- the letter from Duaa, the document on the  
12 left side of your screen?

13 A. Yes, it does.

14 MR. GROHARING: If I could go back to page 4 of that  
15 document, please. Page 5, please.

16 Q. And in that document does Duaa say, "The timeline of what  
17 I see for my future revolves around the three major conditions  
18 I have for marriage; namely, that my husband take me for  
19 pilgrimage as soon as the means become available, that he have  
00:53 20 the intentions for migration in the near future, and he be  
21 saving up for it so it becomes a reality, and that he is firm  
22 and dedicated to fulfilling his individual duty."

23 Does that come from Paragraph 6 of the letter from Duaa?

24 A. Yes.

25 Q. Please tell me if I read this correctly as well. "As for

1 my husband, frankly, I'm not trying to grow old with him or  
2 live with him 20, 30 years. I don't seek to become one of  
3 those old couples who end up looking alike after being together  
4 for so long. To be honest, in my little dream world, ideally  
5 after we have the fourth child, I want him to go off and I  
6 don't want to see him ever again. But Allah knows best. These  
7 things are not for me to plan. I refuse to marry a man who  
8 loves his family more than he loves his obligations upon him  
9 and more than he loves the Ummah," nation.

00:54 10 "I have been proposed to by several brothers on the method  
11 who have been disappointing in that. Despite their professed  
12 love for jihad they give more priority to, say, raising  
13 children who grow up to be scholars, and jihad is something  
14 they desire to go forth for at the age of 45 or 50. There are  
15 also many brothers who aren't doing anything at all in terms of  
16 physical or logistical preparation, and they make supplication  
17 to Allah to make them of the noble mujahideen and of the  
18 martyrs without striving to even facilitate that for themselves  
19 to whatever degree possible at the moment.

00:55 20 "Both are unacceptable to me. I will not marry someone  
21 who has not endeavored for a practical implementation for his  
22 professed love for this major obligatory duty."

23 Have I read that correctly?

24 A. Yes.

25 Q. And has that come from Paragraph 6 of the document on the

1 left side of your screen, which is the letter from Duaa?

2 A. Yes, it does.

3 Q. Now I want to talk about Paragraph 6 of the document on  
4 the right side of the screen. And just to situate the jury,  
5 this document is -- I read the bio before. That began with "My  
6 name is Tariq." Do you recall that?

7 A. Yes, I go.

8 Q. I want you to read the corresponding paragraph -- I'm  
9 sorry. I'll read the corresponding paragraph in this document.

00:56 10 Please tell me if I read it correctly.

11 Paragraph 6, "Future Plans: As any monotheist should, I  
12 am counting the days until I can step on a plane out of this  
13 country for good. Your conditions are exactly the conditions  
14 that I put forth for any woman I would want in my life, and  
15 they were engraved in my heart years before I even heard of  
16 you. In fact, just so you are aware of how serious I am in  
17 regards to the third condition that you mentioned, without  
18 getting into much detail, know that a short while back I went  
19 for an interview and was rejected by that company and sent back  
00:56 20 because I had no references to vouch for me as they don't just  
21 hire anyone off the street."

22 MR. GROHARING: May I have the next page of that  
23 document, please?

24 Q. "So in summary, I hope you are assured as to whether or  
25 not my future plans are in tune with yours."



1 Did I read that correctly?

2 A. Yes.

3 MR. GROHARING: May I have Exhibit 264, please?

4 Q. And is this an email from Tarek Mehanna to Duaa?

5 A. Yes, it is.

6 Q. Was that email sent on September 20, 2006?

7 A. Yes, it was.

8 Q. Could you please read the email for me?

9 A. "As-salamu 'alaykum. Duaa, I forgot to tell you. Do not  
00:58 10 tell your mother that I was there as it had to do with that job  
11 interview. If you already told her, then please let me know  
12 ASAP so that I can tell you a reason, just in case she asks.  
13 Awaiting reply, Tariq."

14 MR. GROHARING: May I have Exhibit 266, please?

15 Q. And is this an email from Tarek Mehanna to Duaa on October  
16 16, 2006?

17 A. Yes, it is.

18 Q. And can you please read this portion of the email?

19 A. "I've spent two Eids overseas, one in Egypt when I was  
00:58 20 around seven or eight, the other was more recently, in Y.  
21 Unfortunately, in the second one, I had forgotten that Eid, in  
22 addition to being Hajj season, is also a week-long vacation in  
23 that part of the world, and everything that anyone would be  
24 looking for was even harder than normal to track down during  
25 that time."

1 MS. BASSIL: I believe there was a misread.

2 THE COURT: "Everyone" rather than "everything"?

3 MS. BASSIL: Correct, your Honor.

4 THE COURT: I think that's right.

5 MR. GROHARING: May I have Exhibit 267, please? Page  
6 3, please? I'm sorry. Page 2, please.

7 BY MR. GROHARING:

8 Q. Is this a chat between the defendant and Duaa on October  
9 25th, 2006?

00:59 10 A. Yes, it is.

11 MR. GROHARING: And could you go to page 15, please?

12 Q. And if you could read the portions of this chat that are  
13 attributed to the defendant?

14 A. "Do you have the book Ihya' Ulum ad-Din?"

15 Q. "Yes."

16 A. The part in it about 'ujub is very, very effective. I  
17 think I translated part of it and put it up on TP a while back.  
18 Different quotes from the Salaf belittling themselves. It's  
19 awesome."

01:00 20 Q. "All your posts are awesome, masha'Allah."

21 A. "Astaghferullah. See what we're talking about and what  
22 you are saying. Hahaha."

23 Q. "I didn't mean it like that. I just meant that you are  
24 one of those few people who bring these sorts of issues to the  
25 attention of people, which a lot of people there appreciate.

1 No one needs more video postings."

2 A. "Me and Muhammad always joke about that."

3 Q. "I mean, good lord, I understand that it is supposed to  
4 awaken the heart. But on the flip side, I think it can just  
5 not deaden the heart but make it oblivious to everything else  
6 that contains value. Some people act like watching and  
7 collecting these videos is ibadah."

8 A. "One sec. Be right back. Stay with me."

9 Q. "Sure."

01:01 10 A. "Back. Salam."

11 Q. "Alaykom assalaam."

12 A. "Yeah. So me and Nussrah, we're always like, 'Dude, I  
13 can't believe it. I almost got hit with that RPG.' And he'll  
14 respond, 'Subhan Allah. I can almost smell the smoke.'"

15 Q. "Laugh out loud."

16 A. "Yeah. Once again, I used to be in that mindset."

17 Q. "He's good. He's practical like that."

18 A. "After doing Umar Hadid, I realized that I just wasted a  
19 week of my life."

01:01 20 Q. "Why wasted?"

21 A. "Well, okay. They watch the video. Then what?"

22 Q. "You never know."

23 A. "Heh, well."

24 MR. GROHARING: Next page, please?

25 A. "I look at it this way. If someone is going to go for

1     dawah because of a nashid or video, then they can always come  
2     back because of something as easy as a nashid or a video. You  
3     have to go out of submission to Allah. Allahu A'lam. I just  
4     feel, as you said, people take watching these vids as ibadah,  
5     so they're basically bedroom mujahidin."

6     Q.    "Yeah, and that's sufficient for the M."

7     A.    "While if you look at the biography of the people who  
8     went, and who got 72'd there, what were they like? Qiyam,  
9     Qur'an, Siyam, Dhikr, Istighfar, Manners, Obeying parents.

01:02 10    That was the way their companions would describe them."

11    Q.    "Laugh out loud at 72'd there."

12    A.    "This was their life."

13    Q.    "Never heard that before. Yeah, I agree with you."

14    A.    "Also, I think that when vids are advertised like, 'Coming  
15    Soon!' 'Just Released!' 'New from Sahab!' it turns into  
16    entertainment."

17    Q.    "Yeah, I can see that. I don't download 99 percent of  
18    them."

19    A.    "I don't download any of them. You see one, you've seen  
01:03 20    them all."

21    Q.    "Yeah, basically."

22    A.    "I always just see them at Asmar's. He always downloads  
23    them."

24    Q.    "Laugh out loud. May Allah keep his computer safe."

25    A.    "Al-Hamdu lillah, his hard drive crashed recently so they

1 all got erased."

2 Q. "Oh al-Hamdu lillah."

3 MR. GROHARING: Next page, please?

4 A. "The only ones I do like to watch, though, are the ones  
5 where there's a message or a statement. Like ZZ Top's, for  
6 example."

7 MR. GROHARING: Exhibit 347, please.

8 Q. And is this an email from defendant, the subject of "Poem"  
9 sent on Wednesday, February 27, 2002?

01:04 10 A. Yes, it is.

11 Q. And please tell me if I read the poem sent by defendant  
12 correctly. "Yawm al-Furqaan. We will never forget.

13 "You were chosen by Allah for this mission so blessed,

14 "To answer the cries of the mothers oppressed.

15 "From Najd, al-Hijaaz, and Misr you came,

16 "To relieve this Ummah of a bit of its shame.

17 "Soon you would prove that you were true men,

18 "The lions of the Ummah defending their den.

19 "You deceived the enemies as you dwelt in their lands,

01:04 20 "Awaiting for Allah to punish them by your hands.

21 "On that day the angels would rush to assist,

22 "For this was an event that couldn't be missed.

23 "As the Taghoot was stabbed with four burning spears,

24 "The angels were whispering in each other's ears;

25 "There will be abundant reward for these slaves,

1 "And mercy shall descend upon them in waves."

2 "O, son of Misr:

3 "On that morning you became hero,

4 "The day you turned Twin Towers into Ground Zero!

5 "You left the Taghoot bleeding and burning,

6 "And only left us for your honor yearning.

7 "Your greatness and courage we'll always remember,

8 "So clearly displayed on that day in September!

9 "You've given us hope and raised our heads high,

01:05 10 "Your honor and glory reach up to the sky!

11 "Your name will forever be engraved in our minds,

12 "Mujahideen like you we'll never again find!

13 "There are those hypocrites who belittle what you've done,

14 "But victory or martyrdom, either way you've won!

15 "So rejoice and enjoy the fruits of your deed,

16 "For in the hearts of the believers you've planted a seed!

17 "The oppressed mothers were crying for all of these years,

18 "But because of you, their cries have now become cheers.

19 "O, son of Misr:

01:05 20 "May Allah have mercy on you and your companions,

21 "And reward you each with the fairest of virgins.

22 "You earned your reward and with you he is pleased

23 "For it was you who brought the Taghoot down on its

24 knees."

25 MR. GROHARING: Next page, please.

1 Q. "We ask Allah that it is so," signed, "Tariq."

2 MR. GROHARING: Exhibit 363, please.

3 Q. And is this an email from the defendant to himself on  
4 September 18, 2003?

5 A. Yes, it is.

6 Q. And could you please read that?

7 A. "Osama bin Laden as a baby in the arms of his father. Who  
8 would have imagined he would turn out the man he is today? May  
9 Allah safeguard him. Tariq Mehanna."

01:07 10 MR. GROHARING: And can I please have 363A, which is  
11 an attachment to that email?

12 (Exhibit No. 363A published to the Court and jury.)

13 MR. GROHARING: Exhibit 254, please?

14 Q. And is this an email sent by the defendant on November 2,  
15 2004?

16 A. Yes, it is.

17 Q. And can you please read the subject of that email?

18 A. "Translation: The subject of this email is the complete  
19 text of Osama bin Laden's message to the American people."

01:08 20 MR. GROHARING: Exhibit 544, please?

21 Q. Is this a chat between the defendant and Ahmad as-Sarayri  
22 on February 13, 2006?

23 A. Yes, it is.

24 MR. GROHARING: Page 2, please?

25 Q. "Muhammad told me about the film and then slept."

1 A. "Hahaha."

2 Q. "I am looking for it and cannot find it."

3 A. "What is it called? Or what is it about?"

4 Q. "He did not tell me where and what's its name."

5 A. "From the country of the two rivers in Iraq?"

6 Q. "Who is the speaker of the program? Yes."

7 A. "A dirty man."

8 Q. "Showing how to enter" --

9 A. "I don't know who he is exactly."

01:09 10 Q. -- "to the brothers."

11 A. "Entrance is easy. The problem is joining the right  
12 people."

13 Q. "You are right."

14 MR. GROHARING: Next page, please?

15 Q. "And this is my problem with Muhammad."

16 A. "May Allah bless his enthusiasm."

17 Q. "The country we were in is just about, and everything is  
18 ready."

19 A. "Okay. Those over there have no idea about anyone in  
01:09 20 Mesopotamia."

21 Q. "They do, but they take people with experience in specific  
22 fields."

23 A. "Oh, Allah."

24 Q. "You will be one of the experienced ones" --

25 A. "How?"



1 Q. -- "if Allah wills, because you have a specialty."

2 A. "For real?"

3 Q. "Easy components. I knew most of them. Components."

4 A. "Is it possible to meet during the lesser pilgrimage?"

5 Q. "Easy, especially for you. My studies are in literature  
6 and I understood most of them. Muhammad and I are memorizing  
7 them."

8 A. "Okay. Tell me in details over the phone when I call  
9 you."

01:10 10 Q. "If I wasn't afraid for you, I would have sent it."

11 A. "No, it's no good."

12 Q. "I know."

13 A. "Is it possible to do Umrah or not?"

14 Q. "When?"

15 A. "Month 5."

16 MR. GROHARING: Next page, please?

17 Q. "Maybe I myself, but I am not sure."

18 A. "This is if I don't go to Egypt."

19 Q. "Try to come to Egypt."

01:10 20 A. "If Allah permits."

21 Q. "We pray to Allah for us to see you soon."

22 A. "If Allah wills. But these things of yours, when are you  
23 supposed to work with them?"

24 Q. "You will see when you come here. They are all things  
25 related to components of medicine for treatment of sexual

1 disorder. It is very expensive here and they are all with  
2 strong effect."

3 A. "Hahahaha. Yes. Yes. Sexual disorder should be  
4 treated."

5 Q. "Praise be to Allah who provided a medicine for every  
6 disease."

7 And then does the defendant send a link that includes a  
8 bin Laden video?

9 A. Yes.

01:11 10 Q. "The link doesn't work."

11 A. "Try again. It's working with me."

12 Q. "Send it again."

13 MR. GROHARING: Next page, please?

14 Q. And does the defendant make repeated attempts to send the  
15 same video?

16 A. Yes, he does.

17 Q. "It opened. It's downloading."

18 A. "Praise be to Allah."

19 Q. "About what?"

01:12 20 A. "Visual recording of a letter from Torah Bora of shaykh."

21 Q. "When?"

22 A. "Three months after the death of the towers."

23 Q. "Not the last."

24 A. "Considered a golden letter. Believe me."

25 Q. "To the young men?"

1 A. "To everyone" --

2 Q. "May Allah reward you for it."

3 A. -- "translated."

4 MR. GROHARING: Exhibit 516, please?

5 Q. Is this a chat between the defendant and Mr. Mu'ndhir on  
6 March 24, 2006?

7 A. Yes, it is.

8 MR. GROHARING: Second page, please?

9 Q. "Brother, was wondering. You got any ideas for an intro  
01:13 10 to the message to the curry people?"

11 A. "What do you mean?"

12 Q. "An intro."

13 A. "Isn't it a document?"

14 Q. "No, it's a video by the doctor."

15 A. "Oh, hmm. How about some footage of tribesmen?"

16 Q. "Okay. But I want something to go with that, like how we  
17 had a prison cell in the GUH, not just clips."

18 A. "Hmm."

19 Q. "Anybody can do clips."

01:13 20 A. "I'm not good at that stuff. Hehe. I'm more of a clip  
21 guy. But I will think of some ideas and get back to UI, Allah  
22 willing."

23 Q. "Allah willing, I was going to put Hathrami as usual from  
24 the interview with Tayseer Allouni where he cries at the end  
25 talking about" --

1 A. "Yeah."

2 Q. -- "curryland."

3 A. "That's a given."

4 MR. GROHARING: Exhibit 574, please?

5 Q. Is this a chat between the defendant and Ahmad Rashad on  
6 February 28, 2006?

7 A. Yes, it is.

8 MR. GROHARING: Page 2, please?

9 Q. "I'm at 51 Abu Anas."

01:14 10 A. "Yeah."

11 Q. "Man, I love this guy."

12 A. "Man, he was a nation."

13 Q. "Man, every one of them is a man."

14 A. "But Abu Anas in particular 'cause" --

15 MR. GROHARING: Next page, please?

16 A. -- "he was a scholar and a mujahid. He combined the best  
17 of characteristics."

18 Q. "I personally would like to be like that, brother. And  
19 Umar Hadid too, and the doctor."

01:14 20 A. "All of them."

21 Q. "And Yusuf al-'Ayyiri."

22 A. "Brother, faith goes up just hearing about them."

23 Q. "Honestly, man, I love all of them more than myself. Man,  
24 hearing about them hurts me so much. Man, it reminds me where  
25 they are and where I am. Man, the list goes on. Abo Yahya and

1 Abo Hamza al-Masry."

2 A. "Caravans, brother. Caravans."

3 Q. "That's what hurts, man. I am standing watching and I am  
4 not ready faith wise or any other way. It hurts."

5 A. "Get ready in faith for the promised day."

6 Q. "Make supplication for me."

7 MR. GROHARING: Exhibit 581, please?

8 Q. Is this a chat between the defendant and Ahmad Abousamra  
9 on March 8, 2006?

01:15 10 A. Yes.

11 MR. GROHARING: Page 2, please?

12 Q. And could you please read the portion attributed to the  
13 defendant?

14 A. "Dude, over the weekend I took Hamza P. to Ground Zero."

15 Q. "Laugh out loud. What happened? Hahaha. Laugh out  
16 loud."

17 A. "I told him" --

18 Q. "Hahaha."

19 A. -- "that we should pray odd number prayer."

01:16 20 Q. "Hahahaha."

21 A. "So he looked at me and laughed."

22 Q. "Hahaha. Did he think you were a Jew?"

23 A. "No, man."

24 MR. GROHARING: Next page, please?

25 A. "Also, there was this bro with us from the land of the two

1 holy sites."

2 Q. "What's his name?"

3 A. "Muhammad. He goes to your school."

4 Q. "I know him."

5 A. "Man."

6 Q. "I noticed him before."

7 A. "He was so happy to be there."

8 Q. "Laugh out loud. Hahaha."

9 A. "He kept saying, 'I swear, it was a major blow,' and he  
01:16 10 made us" --

11 Q. "Laugh out loud."

12 A. -- "take pictures of him" --

13 Q. "Dude, you guys shouldn't go there."

14 A. -- "in front of it."

15 Q. "Seriously, that is silly."

16 A. "It was okay. Nobody else there."

17 Q. "You'll end up being loved by certain fags."

18 A. "So what? Open to the public. But that two holy sites,  
19 bro."

01:17 20 Q. "So the outside of the Ground Zero center is open to the  
21 public?"

22 A. "Man."

23 Q. "But you still got harassed for praying there?"

24 A. "Well, praying outside is kind of obvious. He likes  
25 al-Hadrami. Brother, be right back. Salam."

1 MR. GROHARING: Exhibit 708, please?

2 Q. Is this a chat between the defendant and Taimur on March  
3 16, 2006?

4 A. Yes, it is.

5 MR. GROHARING: Page 3, please?

6 Q. Please read the portions attributed to the defendant.

7 A. "You ever hear of Shaykh Umar 'Abdur Rahman, the 'blind  
8 shaykh'?"

9 Q. "Yes, his name comes. Is he in U.K.?"

01:18 10 A. "He's in prison in Minnesota."

11 Q. "Yeah, oh."

12 A. "He supervised the writing of this book."

13 Q. "I think he was on Cage Prisoners, oh, God bless."

14 A. "But of course they won't say that in the translation."

15 Q. "Why not?"

16 A. "Dude, he's only considered like number two after bin  
17 Laden in danger to the U.S."

18 MR. GROHARING: Next page, please?

19 Q. "Oh, really?"

01:18 20 A. "He lived" --

21 Q. "I gotta read about him more."

22 A. -- "not too far from where you live. Not too far. He had  
23 an apartment in Jersey City then in '93."

24 Q. "Sweet."

25 A. "The FBI arrested him claiming that he was plotting to

1 blow up the George Washington Bridge. He used to be the imam  
2 of the Masjid Mosque al-Faruq on Atlantic Avenue."

3 Q. "Oh, God bless. May Allah hasten his release."

4 MR. GROHARING: Next page, please?

5 Q. "Bro, what does he mean when UBL says this? 'It  
6 transgressed all bounds and behaved in a way not witnessed  
7 before by any power or any imperialist power in the world.  
8 They should have been considerate that the Mecca of the Muslims  
9 upheaves the emotion of the entire Muslim world. Due to its  
01:19 10 subordination to its Jews, the arrogance and haughtiness of the  
11 U.S. regime has reached, to the extent that they occupied the  
12 Qibla of the Muslims, Arabia, who are more than a billion in  
13 the world today.'"

14 A. "You mean the last line?"

15 Q. "The whole statement, the Qiblah. Who occupied the  
16 Qiblah?"

17 A. "He's referring to the 120,000 U.S. troops who were  
18 stationed in Saudi Arabia during the Gulf War up until last  
19 year, only a few hundred miles from the Ka'Bah."

01:20 20 Q. "Oh, I see. Finished it. It was good."

21 A. "Yeah, God bless."

22 MR. GROHARING: Exhibit 556, please?

23 Q. Is this a chat between the defendant and Ahmad Rashad on  
24 March 17, 2006?

25 A. Yes, it is.



1 Q. "What do you think?"

2 A. "Still looking through it. Making some corrections. I'm  
3 changing some of the wording, if you don't mind."

4 Q. "Yeah, that's cool, man. That's why I send it to you."

5 A. "Dear."

6 Q. "Okay, brother."

7 A. "The kid at the beginning of the Afghan chant is the  
8 shaykh's son."

9 Q. "Yeah."

01:20 10 A. "Amszah."

11 Q. "Yeah, that's him. I don't know how many he has."

12 A. "He has 23 kids."

13 Q. "God bless. Yeah, he is the one in the 'State of the  
14 Ummah' video."

15 A. "Four wives, man. Yeah."

16 Q. "We don't hear too much about them."

17 A. "Who?"

18 Q. "The kids."

19 A. "Yeah, well, hehe. He sent some of them out of  
01:21 20 Afghanistan for protection."

21 Q. "I see. I'm reading one of the nicest things on  
22 Muslim" --

23 MR. GROHARING: Next page, please?

24 Q. "It's called 'Take Me to Jihad.'"

25 A. "Nice. Heh."

1 Q. "It's like it's saying our stories, as if it is talking  
2 about us. When you have time, you have to read it.

3 "The thing I sent you, what you think of the essay, man?  
4 You think it needs anything more?"

5 A. "It was excellent, man. You covered so much stuff. I  
6 swear."

7 Q. "Praise be to Allah. I really hope it's good so someone  
8 could benefit by it."

9 A. "Allah willing, they will."

01:22 10 Q. "I was just worried if it needs more stuff. I'm not good  
11 like you at this stuff (1). We are learning from you."

12 A. "Hahahaha. Man. Load of nonsense, if I ever heard."

13 MR. GROHARING: Next page, please?

14 Q. "Do not say that. You are all good and blessings."

15 A. Some kind of symbol.

16 Q. "I swear, brother. Man, you are my friend in this foreign  
17 country."

18 A. "L."

19 Q. "I could share with the longing for jihad. May our lord  
01:22 20 keep you for me."

21 A. "May our lord unite us in heaven."

22 Q. "Amen, brother. Amen. I hope that God gives you what you  
23 want. Did you look at the link?

24 "All right, bro. Thanks again for the help. May our lord  
25 bless you and bless you and grant you faithfulness and

1 martyrdom for the sake of Allah, amen. I'm going to go to bed  
2 now, Allah willing. I will see you tomorrow."

3 MR. GROHARING: Exhibit 557, please?

4 Q. Is this another chat between the defendant and Ahmad  
5 Rashad on April 2, 2006?

6 A. Yes, it is.

7 Q. "Bro, I met a great bro today, man. Brother, this man has  
8 traveled everywhere" --

9 A. "Who?"

01:23 10 Q. -- "for jihad."

11 A. "Hmm. You met him for the first time and he is actually  
12 telling you about this?"

13 Q. Does he say "he is already telling you about this"?

14 A. "And he is already telling you about this?"

15 Q. "No, he did not."

16 A. "Who is he?"

17 Q. "Spanish."

18 A. "Name?"

19 Q. "Abdallah."

01:23 20 A. "You met him where?"

21 Q. "Praise be to Allah. Man, he did not mean to say it but  
22 he fell in the middle of the convo."

23 MR. GROHARING: Next page, please?

24 Q. "He can't even speak English well. I was surprised in the  
25 beginning, but after that he was crying while speaking. I

1 really think he is honest."

2 A. "Brother."

3 Q. "I didn't say anything."

4 A. "Don't be so naive, man. Yeah, don't, 'cause today you  
5 never, ever know."

6 Q. "I know, man."

7 A. "Allah willing, assume he is loyal, but at the same time,  
8 don't open up to him."

9 Q. "Of course."

01:24 10 A. "How long has he been here?"

11 Q. "But brother, the man doesn't speak English very well.  
12 But he goes, 'Praise be to Allah.' He could not remember the  
13 names, but he told me about Abo Hafss when I told him I'm  
14 Masri," I am Egyptian, "and Azzam."

15 A. "Hey, what does he look like?"

16 Q. "Older guy. Not really old" --

17 A. "Long hair?"

18 Q. -- "but middle age. No."

19 A. "How long has he been here?"

01:25 20 Q. "I think he said 30."

21 A. "Hmm. Where does he live?"

22 Q. "But I can't remember. Man, I don't know too much."

23 A. "'Cause this guy told you about in Egypt, he is also  
24 Spanish, and his name is Abdullah."

25 MR. GROHARING: Next page, please?

1 Q. "He is from Panama?"

2 A. "Hmm. Not sure."

3 Q. "This one is. He said that he went to Bosnia, Afghanistan  
4 and Kash."

5 A. "Where does he live, man?"

6 Q. "I don't know."

7 A. "Did you get his info?"

8 Q. "He could possibly help us." I'm sorry.

9 A. "He could possibly help us," smiley face.

01:25 10 Q. "Yes. I have the tel. Brother, man, I don't think he's a  
11 liar. Man, you could tell."

12 A. "Yeah. I'm not saying he is, my dear, but I'm saying be  
13 careful. You never know."

14 Q. "He was crying the whole time talking about martyrs.

15 "I know what you mean."

16 A. "Plus, I just find it weird that he is speaking about this  
17 stuff openly" --

18 Q. "He was not."

19 A. -- "and he doesn't even know you."

01:26 20 Q. "Brother, you talked to me the first time I came to your  
21 house."

22 A. "Yeah. But I never told you that I went to such and such  
23 a place. You know what I mean?"

24 Q. "Yeha. He didn't mean to."

25 A. "Brother, if it's possible to meet him, that would be

1 great. I'd like to speak to him."

2 Q. "Yeah, but I told him I will not tell anyone."

3 A. "Hehe. Oh, great."

4 MR. GROHARING: Next page, please?

5 A. "Okay."

6 Q. "I told you because you don't know him."

7 A. "Okay. Yeah, but he might help" --

8 Q. "I asked him" --

9 A. -- "if we can confirm him."

01:27 10 Q. -- "and he was, 'Brother, just make supplication,' but he  
11 smiled."

12 A. "Hehe."

13 Q. "Man, he was like jihad is so sweet, man. I was so scared  
14 but I was praying that I would be like the Afghanistan. They  
15 were like super man [sic]. He talked to me a bit about bos and  
16 Abo Haggar."

17 A. "Really? How did you meet him, man? Like he just walked  
18 up to you or what?"

19 Q. "No, we were at a lesson. Do you knowing someone named  
01:27 20 Ahmed Zaki? Yes, the actor?"

21 A. "No."

22 Q. "And he talked to me about the Egyptians there. Told me  
23 they were beautiful bros, the best."

24 A. "Man, I really hope he is serious."

25 Q. "He told me that he intends to go again. He is like, 'I

1 miss it. I been praying night prayer every day.' Wow, was  
2 like, now I could go anywhere because I know if Allah did not  
3 write for me to die, I won't. Abu Dawud knows him and the  
4 iman, but he did not talk to any of them. I don't know. I  
5 spent some time with him and just going to get coffee, and we  
6 liked each other for no reason. And when we got back we just  
7 stood there and one topic led to another.

8 "Where did you go?"

9 A. "Finishing up 39."

01:28 10 MR. GROHARING: Next page, please?

11 Q. "Man, you have worked on that for a while."

12 A. "Yeah. I just finished it now, finally."

13 Q. "Man, so this guy told me about a Libyan doctor there. He  
14 was going to give him his daughter, how astonished, but he  
15 became a martyr. It was nice. I hope it is true. I felt that  
16 it is a sign from our lord because I was afraid to lose hope."

17 A. "Allah willing. As I said, be careful."

18 MR. GROHARING: Exhibit 584, please?

19 Q. Is this a chat between the defendant and Ahmad Abousamra  
01:29 20 on April 3, 2006?

21 A. Yes.

22 MR. GROHARING: Second page, please?

23 Q. "By the way, today I met this convert. He said he knows  
24 how to get to I or A or Ch. Jk."

25 A. "Hey, yeah. He also said -- did he also say that he can

1 get you married to one of the shaykh's daughters?"

2 Q. "Hey, I got a question. When we ask Abdul M about books,  
3 should I mention that I tried studying F and P and Y?"

4 A. "Hmm. Not at the start. Well, he already knows about Y.  
5 Hehe."

6 Q. "Yeah, but he doesn't realize the reason" --

7 A. "I think he does."

8 Q. -- "'cause we didn't tell him."

9 A. "But."

01:30 10 Q. "I told him about P once" --

11 A. "In any case" --

12 Q. -- "just not I."

13 A. -- "if he is refusing to help and nothing is working, then  
14 throw that out and tell him to show it's for real."

15 Q. "K."

16 A. "But don't scare him by saying it at the start."

17 MR. GROHARING: Exhibit 566, please?

18 Q. Is this a chat between the defendant and Ahmad Rashad on  
19 May 6, 2006?

01:30 20 A. Yes, it is.

21 Q. "And I have all *Voice of al-Jihad* magazine in a file too,  
22 if you want it."

23 A. "Yeah, sure. Hey, man, what's the deal? You coming or  
24 what?"

25 Q. "You leaving soon?"



1 A. "In about an hour and a half."

2 Q. And does it indicate that the defendant received a file at  
3 that point?

4 A. Yes, it does.

5 Q. "I'm waiting for Ihab to come back."

6 MR. GROHARING: Next page, please?

7 Q. "But I think al-Battar is a lot better, more relevant."

8 A. "Yeah. The thing is Sawt was released more towards the  
9 brothers fighting in Saudi and the Gulf."

01:32 10 Q. "Yeah. Al-Battal, the hero, everything that was done  
11 inside the camp. Do you know what would be cool? If we get  
12 married and stay closer to each other, if we could meet and do  
13 that and have our wives do their own thing too. Laugh out  
14 loud. That would be cool."

15 MR. GROHARING: Next page, please?

16 A. "Well, hopefully, by the time we're married, we'll be busy  
17 doing other things with the Slaughterer."

18 Q. "My lord."

19 A. "Amen."

01:32 20 Q. "Man, I been talking to a bro in Egypt. He really wants  
21 to go. He knows a lot of knowledge on weapons and stuff like  
22 that. Good brother had good knowledge. He was telling me that  
23 he has nobody to talk to about this because the bros in Egypt  
24 are too scared to talk about anything."

25 A. "Man."

1 MR. GROHARING: Exhibit 597, please?

2 Q. Is this a chat between the defendant and Ahmad Abousamra  
3 on May 14, 2006?

4 A. Yes, it is.

5 MR. GROHARING: And can you go to page 6, please?

6 Q. And can you read the portion attributed to the defendant?

7 A. "Haha. No. I decided to go on two more years."

8 Q. "The earliest I can possibly graduate is December of this  
9 year. That's if you can't go with your buddies."

01:34 10 A. "Yeah. The thing is I can graduate whenever I want" --

11 Q. "I mean, if you're forced to stay."

12 A. -- "with my BS."

13 Q. "I want to leave as soon as I finish. If I stay, maybe  
14 just a few months to finalize anything so I can leave back  
15 home. Do you think I should renounce the citizenship if I  
16 move?"

17 A. "Hmm. I don't know."

18 Q. "That way I can't ever think of returning. My parents  
19 could never ask me to come again, laugh out loud. The only  
01:34 20 problems are, one, it might come in handy for seeking fard-eye,  
21 individual duty knowledge; two, I might need to see my son."

22 A. "And you might be sent on a duty," smiley face.

23 Q. "If I need to leave because of the Taghoot, the idol  
24 there, that's what I mean in (1). "

25 MR. GROHARING: Exhibit 697, please? Actually,

1 Exhibit 733.

2 Q. Is this a chat between the defendant and Tauqir on June  
3 13, 2006?

4 A. Yes, it is.

5 Q. Please read the portions attributed to the defendant.

6 A. "Bro, I came across this beautiful chant video with the  
7 bros."

8 Q. "Send it over, brother."

9 A. "Okay. The first ten seconds are contro so be careful,  
01:35 10 but it's beautiful."

11 Q. "I will, Allah willing. Let me accept."

12 A. "Let me know what you think."

13 Q. "I'm watching right now. Oh, man."

14 MR. GROHARING: Next page?

15 Q. "Haha."

16 A. "Forget the intro. The rest is all honor and manhood."

17 Q. "Honestly. That is one of the most beautiful men I have  
18 ever seen. May Allah grant him paradise."

19 A. "Which one?"

01:36 20 Q. "Amen."

21 A. "Abu M?"

22 Q. "Shaykh U."

23 A. "Oh, yeah. 4:25 is Abu M. These guys are the modern-day  
24 companion, man."

25 Q. "Who is the one with the black turban and the prostration

1 mark?"

2 A. "Near the end?"

3 Q. "Yeah."

4 A. "Ayman Zawahiri from Egypt."

5 Q. "Oh, he just passed."

6 A. "No, he's alive. So is Shaykh U, and everyone else in the  
7 clip, is with the martyred, Allah willing."

8 Q. "Allah willing."

9 A. "You see Abu M? Man."

01:36 10 Q. "Yeah, I did. Allah willing, one day we can be somewhat  
11 close to their caliber."

12 A. "Yes, Allah willing."

13 MR. GROHARING: Exhibit 736, please.

14 Q. Is this a chat between the defendant and Umar Kalil on  
15 March 5, 2006?

16 A. Yes, it is.

17 "Peace be upon you."

18 Q. And does the defendant send a link to Umar Kalil?

19 A. Yes, he does.

01:37 20 Q. Can you please read the portions attributed to the  
21 defendant?

22 A. "Here is the link to the Anwar al-Awlaki lectures you were  
23 listening to at my place. Just scroll down to Anwar al-Awlaki  
24 and you will see the six-part series there. It's called  
25 'Constraints.'"

1 Q. Is it "Constants"?

2 A. Oh, "It's called 'Constants.'"

3 MR. GROHARING: Exhibit 549, please.

4 Q. And is this a chat between the defendant and Ahmad  
5 as-Sarayri on July 27, 2006?

6 A. Yes, it is.

7 Q. "If Allah is willing, you will see it."

8 A. "What is it?" smiley face.

9 Q. "Someone you would like to see."

01:38 10 A. "Ahmad?"

11 Q. "No."

12 A. "The shaykh?"

13 Q. "No."

14 A. "Osama?"

15 Q. "Even better than that."

16 A. "Ayman."

17 Q. "Hehehe. Man, not to that extent, hehehe."

18 A. "Hahahaha."

19 Q. "Go ahead and laugh."

01:38 20 A. "May Allah bestow us with meeting them."

21 Q. "If Allah is willing."

22 MR. GROHARING: Next page, please.

23 Q. "If Allah is willing, you will see the people we attended  
24 their wedding. Sorry, the wedding we attended, Mohammed and  
25 the shaykh."

1 A. "Where?"

2 Q. "Their wedding."

3 A. "Ah, okay."

4 Q. "Here, where I am. He is still in the same career but  
5 there is a problem in increasing the working capital because  
6 the company needed in order for the work to improve and the  
7 artistic level not to decrease."

8 A. "Yes. Meaning?"

9 Q. "First, can you bring a video camera to photograph  
01:39 10 weddings?"

11 A. "Hmm."

12 Q. "Wait for seconds."

13 A. "Okay."

14 Q. "Secondly, anything you can provide to increase the  
15 working capital to obtain a higher artistic level."

16 A. "Yes."

17 Q. "We don't want to -- artistic production level to  
18 decrease."

19 A. "Yes."

01:39 20 Q. "But we need to continue with improvements. Do you  
21 understand me?"

22 A. "Yes. And you too need money for the dowry."

23 MR. GROHARING: Next page, please?

24 Q. "Yes. Yes, the dowry is expensive. But the one who is  
25 engaged to a beautiful one must pay the price in terms of the

1 dowry. If possible, please engage trustworthy partners" --

2 A. "Yes. Of course. Of course, no doubt."

3 Q. -- "with trustworthiness virtues."

4 A. "Brother, what's your phone number so when I come down I  
5 can get in touch with you?"

6 Q. "The old one."

7 A. "Okay. Okay."

8 Q. "Did you lose it?"

9 A. "No. It's still with me."

01:40 10 Q. "Ending with O-O."

11 A. "Yes. It's with me."

12 Q. "Two zeros. I know you will be very happy with that when  
13 you see the success of the company."

14 A. "Medications are an important matter. And I love  
15 pharmacy."

16 Q. "It will be a great investment, if Allah is willing."

17 A. "Brother."

18 MR. GROHARING: Exhibit 550, please?

19 Q. Is this another chat between -- with the defendant and  
01:41 20 Ahmad as-Sarayri the next day, on Friday, July 28, 2006?

21 A. Yes, it is.

22 Q. "If Allah is willing, are you coming on the 30th?"

23 "Yes. Hehehe?"

24 A. "If Allah is willing, I will leave the land of freedom on  
25 Monday."

1 Q. "No. The land of democracy."

2 A. "The developed country. The country of the two towers."

3 Q. "The country that ridiculed itself" --

4 A. "Hehehe."

5 Q. -- "by targeting our countries."

6 A. "Yes, and the shaykh stepped up to teach it a lesson."

7 Q. "Hehehe."

8 A. "Did you see the doctor?"

9 Q. "I hope there will be more."

01:42 10 A. "Yes, I did see him on Aljazeera."

11 MR. GROHARING: Next page, please?

12 A. "Yes, God bless."

13 Q. "And he says it word by word."

14 A. "And our countrymen are taking pictures behind him."

15 Q. "Just a second. How are you doing?"

16 A. "Praise be to Allah."

17 Q. "And how are the brothers?"

18 A. "Praise be to Allah, the American brother sends his  
19 regards to you."

01:42 20 Q. "May Allah protect him from every evil."

21 A. "I found the shoes."

22 MR. GROHARING: Next page, please?

23 Q. "I must go. Don't forget what I asked you about the  
24 company. It is very important."

25 A. "Yes. I will try. But it is possible that it might be a



1 little expensive for me."

2 Q. "With Allah's grace, I was able to gather a sum of money,  
3 not too bad. But a lot more is needed."

4 A. "Yes. About how much ? is needed?"

5 MR. GROHARING: Next page, please?

6 Q. "4200 dollars."

7 A. "Allah is the greatest."

8 Q. "Praise be to Allah. Pray for me."

9 A. "Allah will facilitate for us."

01:43 10 Q. "We will use it for this and other things. If Allah is  
11 willing, we can pay off the debts and increase the quality of  
12 the product."

13 A. "Lots of hard work is needed to establish a pharmacy."

14 Q. "Yes. And you know very well the profits that  
15 pharmaceutical companies make. And how great is it?"

16 A. "Yes, with no doubt."

17 Q. Does the defendant then send a link?

18 A. Yes, he does.

19 Q. And can you continue reading the portions attributed to  
01:44 20 defendant?

21 A. "Muqtada al-Dabar."

22 Q. "May Allah reward you for the good. That is a sea dog.  
23 Muqtada the dog."

24 A. "Did you see Mohammed 'Atta's picture on the tape?"

25 MR. GROHARING: At this point can I have Exhibit 172

1 pulled up, please?

2 MS. BASSIL: Your Honor, may we approach sidebar,  
3 please?

4 (Discussion at sidebar and out of the hearing of the  
5 jury:)

6 MS. BASSIL: I may have called you up here  
7 unnecessarily. 117 is the picture of Zarqawi?

8 MR. GROHARING: Mohammed 'Atta.

9 MS. BASSIL: Your Honor, I think it is unfair to  
01:45 10 transition these. He says, "Did you see the tape," and then  
11 they're showing the picture. It would be one thing if it was a  
12 screen shot, the tape, but it's not.

13 THE COURT: No. I mean, it just identifies who it is  
14 they're talking about.

15 MS. BASSIL: It's way more prejudicial than probative.  
16 It doesn't identify who they're talking about. He could  
17 identify who they're talking about. To show a picture that  
18 isn't a part of what they're talking about is completely  
19 unfair.

01:45 20 THE COURT: No, I think he could have it.

21 (In open court:)

22 MR. GROHARING: Exhibit 172, please?

23 BY MR. GROHARING:

24 Q. Special Agent Solecki, do you recognize that person?

25 A. Yes; that's Mohammed 'Atta.

1 Q. And who's Mohammed 'Atta?

2 A. He was one of the 19 hijackers on September 11, 2001.

3 Q. Did he fly Flight 11 into the North Tower of the Trade  
4 Center?

5 A. Yes.

6 MS. BASSIL: Objection. Leading.

7 THE COURT: Sustained.

8 MR. GROHARING: Can I go back to the chat we were  
9 discussing a moment ago?

01:46 10 BY MR. GROHARING:

11 Q. Can you pick up where the defendant says, "Did you see  
12 Mohammed 'Atta's picture on the tape?"

13 Ahmad as-Sarayri responds, "Yes. Was it in the Afghan  
14 land?"

15 A. "Yes."

16 Q. "He was there?"

17 A. "During training days, yes."

18 Q. "This is the first time I learned of it."

19 A. "They were all there with the shaykh."

01:47 20 Q. "I know. But I didn't know that he had gone there. I  
21 thought he adopted the idea from his place."

22 MR. GROHARING: Next page, please?

23 Q. "I think he joined in Germany." I'm sorry. The defendant  
24 says, "I think he joined in Germany."

25 "My God. With whose help?"

1 "Only Allah knows."

2 I read the defense again?

3 MR. GROHARING: This is the last chat. I promise.

4 Q. "Do you have another one on your email?"

5 A. "But he used to listen to Shaykh Abu Qatadah PH."

6 Q. "He does not know his father Abu Qatadah, hehehe."

7 A. "May Allah release him from captivity."

8 Q. "I watched great episode after episode about him on  
9 Aljazeera."

01:48 10 A. "Yes, about the Arab Afghans."

11 Q. "Is he a captive with the English?"

12 A. "Yes. In Belmarsh Prison" --

13 Q. "Allah willing, he will get out" --

14 A. -- "in London."

15 Q. -- "soon."

16 A. "Amen."

17 Q. "Even if he is in the royal palace itself. Did you see  
18 'They Are Coming'?"

19 A. "Heard about it. Good?"

01:48 20 Q. Great. I am watching it now."

21 A. "About what, Iraq?"

22 Q. "No. A general provocation from Afghanistan."

23 A. "Whatever Allah wills."

24 Q. "When you come, you will see with me something that will  
25 please you."

1 A. "Hehehe. If Allah is willing."

2 Q. "With Allah's permission, the small and large issues."

3 A. "Hey, my brother."

4 MR. GROHARING: Next page, please?

5 A. "In Egypt we need some sort of shaykh that can move us.

6 Is there an orator we can pray with at his place who talks  
7 about important issues?"

8 Q. "Know that Allah has set a time for Egypt, and know that  
9 from it there will be the best soldiers on earth."

01:49 10 MR. GROHARING: And I misspoke. There's just one more  
11 chat.

12 If I may go to Exhibit 714, please?

13 Q. And is this a chat between the defendant and Taimur on  
14 March 28, 2006?

15 A. Yes, it is.

16 MR. GROHARING: Could you go to page 3, please?

17 Q. "I saw a movie called 'The Hamburg Cell.' It was about  
18 the life of the attackers on 9/11" --

19 MR. GROHARING: Next page, please.

01:50 20 Q. -- "and pretty much bashed Islam and mujahideen."

21 A. "Hey, yeah, well, those guys bashed their towers and  
22 Pentagon."

23 MR. GROHARING: I would like to publish a series of  
24 photos at this point, your Honor. They were all found on the  
25 defendant's computer.

1 THE COURT: All right.

2 MR. GROHARING: I will do the same procedure we did  
3 last time.

4 THE COURT: Yes.

5 MR. GROHARING: Exhibit 182, please.

6 (Exhibit No. 182 published to the Court and jury.)

7 MR. GROHARING: Exhibit 183, please?

8 (Exhibit No. 183 published to the Court and jury.)

9 MR. GROHARING: Exhibit 184, please?

01:51 10 (Exhibit No. 184 published to the Court and jury.)

11 MR. GROHARING: Exhibit 185, please?

12 (Exhibit No. 185 published to the Court and jury.)

13 MR. GROHARING: Exhibit 186, please?

14 (Exhibit No. 186 published to the Court and jury.)

15 MR. GROHARING: Exhibit 187, please?

16 (Exhibit No. 187 published to the Court and jury.)

17 MR. GROHARING: Exhibit 188, please?

18 (Exhibit No. 188 published to the Court and jury.)

19 MR. GROHARING: Exhibit 189, please?

01:51 20 (Exhibit No. 189 published to the Court and jury.)

21 MR. GROHARING: Exhibit 190, please?

22 (Exhibit No. 190 published to the Court and jury.)

23 MR. GROHARING: Exhibit 191, please?

24 (Exhibit No. 191 published to the Court and jury.)

25 MR. GROHARING: Exhibit 192, please?

1 (Exhibit No. 192 published to the Court and jury.)

2 MR. GROHARING: Exhibit 193, please?

3 (Exhibit No. 193 published to the Court and jury.)

4 MR. GROHARING: Exhibit 194, please?

5 (Exhibit No. 194 published to the Court and jury.)

6 MR. GROHARING: Exhibit 195, please?

7 (Exhibit No. 195 published to the Court and jury.)

8 MR. GROHARING: Exhibit 196, please?

9 (Exhibit No. 196 published to the Court and jury.)

01:53 10 MR. GROHARING: Exhibit 197, please?

11 (Exhibit No. 197 published to the Court and jury.)

12 MR. GROHARING: Exhibit 198, please?

13 (Exhibit No. 198 published to the Court and jury.)

14 MR. GROHARING: Exhibit 199, please?

15 (Exhibit No. 199 published to the Court and jury.)

16 MR. GROHARING: Exhibit 200, please?

17 (Exhibit No. 200 published to the Court and jury.)

18 MR. GROHARING: Exhibit 201, please?

19 (Exhibit No. 201 published to the Court and jury.)

01:53 20 MR. GROHARING: Exhibit 202, please?

21 (Exhibit No. 202 published to the Court and jury.)

22 MR. GROHARING: Exhibit 203, please?

23 (Exhibit No. 203 published to the Court and jury.)

24 MR. GROHARING: Exhibit 204, please?

25 (Exhibit No. 204 published to the Court and jury.)

1 MR. GROHARING: Exhibit 205, please?

2 (Exhibit No. 205 published to the Court and jury.)

3 MR. GROHARING: Exhibit 206, please?

4 (Exhibit No. 206 published to the Court and jury.)

5 MR. GROHARING: Exhibit 207, please?

6 (Exhibit No. 207 published to the Court and jury.)

7 MR. GROHARING: Exhibit 208, please?

8 (Exhibit No. 208 published to the Court and jury.)

9 MR. GROHARING: Exhibit 209, please?

01:54 10 (Exhibit No. 209 published to the Court and jury.)

11 MR. GROHARING: And finally, Exhibit 210, please.

12 (Exhibit No. 210 published to the Court and jury.)

13 MR. GROHARING: No further questions, your Honor.

14 MS. BASSIL: Your Honor, may we approach sidebar  
15 before I start my cross-examination?

16 THE COURT: Yeah, well -- fine. It is a little after  
17 eleven.

18 MS. BASSIL: So could we do it before we start up  
19 again?

01:55 20 THE COURT: Yeah. So why don't we take the morning  
21 break, okay?

22 THE CLERK: All rise for the Court and the jury. The  
23 Court will take the morning recess.

24 (The Court and jury exit the courtroom and there is a  
25 recess in the proceedings at 11:04 a.m.)



1 (Court in at 11:33 a.m.)

2 MS. BASSIL: Your Honor, before the jury came out, I  
3 wanted to move for a mistrial once again based on watching  
4 these series of photographs. They were completely unnecessary.  
5 They offered no probative value whatsoever, provided no  
6 additional information to the jury and were designed quite  
7 clearly just to poison the jury, especially if you look at the  
8 fact that they were given as the very last thing that -- for  
9 this witness' testimony. And I move for a mistrial.

02:24 10 I think that the continued emphasis over and over  
11 again, when allegedly all this is for is the defendant's state  
12 of mind, is completely unnecessary and more probative -- more  
13 prejudicial than probative. And I wish there was a stronger  
14 word than cumulative because it's more than cumulative. Maybe  
15 I should say it's ad nauseam. Perhaps that's a stronger word  
16 than cumulative.

17 THE COURT: Mr. Groharing, do you want to respond?

18 MR. GROHARING: I mean, they were photos that were  
19 found on the defendant's computer. The case is about the  
02:25 20 defendant providing material support to al Qa'ida, to the  
21 organization that conducted the attacks on September 11, 2001.

22 He chatted ad nauseam about those attacks. It goes  
23 directly to his state of mind, what his state of mind was at  
24 relevant time periods in this case. The fact that there were  
25 dozens of photos -- we didn't even, frankly, offer all of the

1 photos the defendant had on certain matters.

2 So they're directly relevant to the government's  
3 theory of the case, and the probative value far outweighs any  
4 prejudice the defendant would suffer from the photos being  
5 admitted.

6 THE COURT: I think -- as I've said, I think the fact  
7 of cumulation itself in these circumstances has potentially  
8 anyway some probative value depending on how the jury assesses  
9 it. But the jury could find that the accumulation of  
02:25 10 repetitive images says something about the state of mind, which  
11 is relevant. So the motion is denied.

12 Was there anything about -- was that the point you  
13 wanted to make?

14 MS. BASSIL: Yes, your Honor.

15 THE COURT: So we can call the jury in.

16 (The jury entered the room at 11:35 a.m.)

17 CROSS-EXAMINATION BY MS. BASSIL:

18 Q. Good morning, Agent Solecki.

19 A. Good morning.

02:27 20 Q. I think you said you were on the Joint Terrorism Task  
21 Force?

22 A. Yes.

23 Q. As a part of that task force, do you read newspaper  
24 articles online? Do you read magazines online, journals  
25 online?

1 A. Yes.

2 Q. And do you do a lot of looking at information online?

3 A. Yes.

4 Q. And you know the photographs that were shown to the jury,  
5 all those photographs at the end?

6 A. Yes.

7 Q. You were aware that those were what they call thumbnails,  
8 the size, originally, correct?

9 A. I believe so, yes.

02:28 10 Q. You're aware that when you go on websites and you read  
11 things, you're aware that these small pictures go right into  
12 your computer even if you don't download them, aren't you?

13 MR. GROHARING: Objection, your Honor. It assumes  
14 facts not in evidence.

15 THE COURT: Well, I think it assumes a foundation from  
16 the witness that we don't have yet. Sustained.

17 Q. Mr. Solecki, are you aware of what thumbnail photographs  
18 are?

19 A. Yes.

02:28 20 Q. What are they?

21 A. Small photographs of images on the internet.

22 Q. Are you aware -- have you ever looked in your computer to  
23 see if you have thumbnail photographs?

24 A. I haven't looked at mine. I'm sure I have some on there,  
25 but I haven't done any searches on my computer for thumbnails.

1 THE COURT: Keep your voice up, sir.

2 THE WITNESS: Yes, sir.

3 Q. Are you aware these photographs can go into your computer  
4 without you actively downloading them?

5 A. Yes.

6 Q. And if you -- a couple of the photographs, did you see, it  
7 looked like they came maybe from some kind of news program,  
8 where it said "live"?

9 A. Yes.

02:29 10 Q. Did you notice that?

11 A. Yes.

12 Q. To me -- did that indicate to you as well that those might  
13 have been from a news program?

14 A. Yes.

15 MS. BASSIL: If we could go to Exhibit 799, please.

16 Q. Agent Solecki, when you were asked to read things, you  
17 were asked to read only what was given to you, correct?

18 A. Yes.

19 Q. Did you read -- by the way, when you were given those  
02:29 20 instant messages, did you read all the pages before you read  
21 them in court here?

22 A. All of the ones that I believe that we saw today, I had  
23 read before.

24 Q. Okay. Now, on this, this is a reference -- if you recall,  
25 you talked about this being the schedule of the Massachusetts

1 Pharmaceutical College, is that correct?

2 A. Yes.

3 MS. BASSIL: And, Mr. Bruemmer, if we could go through  
4 each page. Is that it? That's it.

5 Q. There was not -- there's no calendar -- there's no  
6 schedule here of the defendant's -- Mr. Mehanna's classes, are  
7 there?

8 A. No.

9 Q. And there's no transcript of what courses Mr. Mehanna was  
02:30 10 taking?

11 A. No, there's not.

12 Q. So there's no indication of when he had to be in school  
13 and when he didn't?

14 A. That is correct.

15 MS. BASSIL: If we could have Exhibit 347, please.

16 Q. Mr. Solecki, this was a poem that's dated 27 February  
17 2002, correct?

18 A. Yes.

19 Q. And I believe either you read it or Mr. Groharing read it?

02:31 20 A. I believe Mr. Groharing read this one, yes.

21 Q. Right. And there is nothing in either the subject matter  
22 line or any kind of notation in which Mr. Mehanna says, Here's  
23 a poem I wrote, correct?

24 A. Yes.

25 Q. It just simply says, "Poem," and his name is at the end of

1 it?

2 A. Yes.

3 Q. And you don't know whether this was something translated  
4 that somebody else wrote or something that someone else made  
5 up --

6 A. I don't know.

7 Q. -- right?

8 You would have no idea?

9 A. No, I don't.

02:31 10 MS. BASSIL: Could we have Exhibit 363?

11 Q. Now, this is an email that appears to have been sent from  
12 Tarek Mehanna to Ibnul Khattab, correct?

13 A. Yes.

14 Q. And so that would be from Mr. Mehanna to himself?

15 A. Yes.

16 Q. Do you ever email things to yourself?

17 A. I do.

18 Q. Because you want to look at it later or something you want  
19 to put in somewhere in your computer, right?

02:32 20 A. Yes.

21 Q. I do it all the time, too.

22 This was a photograph, he said, of a baby in the arms of  
23 his father, Osama bin Laden, right?

24 A. Correct.

25 Q. Have you seen that photograph before?

1 A. I had not seen that photograph before.

2 Q. So you're not aware it's not Osama bin Laden?

3 A. I don't know if it is Osama bin Laden or not.

4 MS. BASSIL: If we could have Page 566 -- I'm sorry,  
5 Exhibit 566, sorry. And if we could go to the second page.  
6 The third page. No, second page, sorry. And if we could just  
7 have this bottom third bigger.

8 Q. Mr. Solecki, it says here, I believe, "What do you think  
9 of the essay man," correct?

02:33 10 A. Yes.

11 Q. And you didn't see any essay, did you?

12 A. No.

13 Q. You weren't given any essay to read that went with that  
14 email?

15 A. No.

16 MS. BASSIL: And if we could have Exhibit 540, please.  
17 -- 550, and Page 4.

18 Q. Now, in this conversation -- you recall looking at this  
19 conversation, correct?

02:33 20 A. Yes.

21 Q. And Muqtada al-Dabar, that is the head of the Shiites in  
22 Iraq, is that correct?

23 A. That, I don't know.

24 Q. Are you familiar with who the head is of the Shiite  
25 organization in Iraq?

1 A. No, I don't know who the head of the Shiite organization  
2 is.

3 Q. They're insurgents, are they not, fighting U.S. troops?

4 A. I'm not aware. I don't know if the Shiites are currently  
5 fighting U.S. forces in Iraq.

6 Q. They were at one time?

7 A. I believe they were, yes.

8 Q. And you don't know the head of it?

9 A. No, I don't.

02:34 10 Q. Now, on this conversation, there was something about, Did  
11 you see -- let me see -- there was something about -- oh, "Did  
12 you see Mohammed Atta's picture on the tape?" That was a line  
13 you read, correct?

14 A. Yes.

15 Q. And then the prosecutor showed a picture of Mohammed Atta  
16 on some kind of forum; do you recall that?

17 A. Yes.

18 Q. That was not a screen shot of the tape, was it, a video?

19 A. I don't know. I believe it was just his visa photo.

02:35 20 MS. BASSIL: If I could have Exhibit 566, please. And  
21 if we could have the next page. I'm sorry, back. My mistake.

22 Q. This is a conversation with Ahmad Rashad, is that correct?

23 A. Yes.

24 Q. And it says that he was trying to send -- he is the one  
25 trying to send documents to Mr. Mehanna, is that correct?



1 A. Yes.

2 Q. And there's no indication Mr. Mehanna is sending documents  
3 to him, correct?

4 A. I don't believe so, not on this page.

5 Q. All right. On the bottom of the page, it says he's trying  
6 to send you -- I assume that's transliterated Arabic, correct,  
7 the next to last line?

8 A. Yes. I'm not exactly sure what that means.

9 Q. Me either. Then Ahmad Rashad says -- this is a little  
02:36 10 mixed up -- "This is sowt voice"?

11 A. Yes.

12 MS. BASSIL: And if we could have the next page.

13 Q. And he says, "But I think al-Bataar is a lot better, more  
14 relevant."

15 So it appears that he's sending him something. Are you  
16 familiar with Sawt al-Jihad?

17 A. I believe that's an online Jihad magazine.

18 Q. And it's Ahmad Rashad who appears to be sending it to him,  
19 right?

02:36 20 A. Yes.

21 MS. BASSIL: If I could just have the jury see the  
22 spelling of that, your Honor, so they would be familiar with.

23 THE COURT: On the document --

24 MS. BASSIL: We can take that down.

25 Q. And that's how it's spelled, correct?

1 A. Yes.

2 MS. BASSIL: I have no further questions.

3 MR. GROHARING: Nothing further, your Honor.

4 THE COURT: All right. Agent, thank you. You may  
5 step down.

6 THE WITNESS: Thank you, sir.

7 MR. CHAKRAVARTY: The government calls Evan Kohlmann,  
8 your Honor.

9 THE CLERK: Mr. Kohlmann, step up to the box, please.

02:37 10 Remain standing.

11 EVAN F. KOHLMANN, Sworn

12 THE CLERK: Have a seat. State your name and spell  
13 your last name for the record, if you would, please.

14 THE WITNESS: My name is Evan F. Kohlmann, E-v-a-n,  
15 K-o-h-l-m-a-n-n.

16 DIRECT EXAMINATION BY MR. CHAKRAVARTY:

17 Q. Good morning.

18 A. Good morning.

19 Q. Mr. Kohlmann, what do you do?

02:37 20 A. I'm an international terrorism consultant.

21 Q. Where do you work?

22 A. I run a company in New York City that is known as  
23 Flashpoint Global Partners.

24 Q. What is an international terrorism consultant?

25 A. I provide consulting services on behalf of government

1 clients, on behalf of nongovernment clients, NGOs, on behalf of  
2 nonprofit organizations, analyzing the recruitment, hierarchy.  
3 Financing and communications of international terrorist  
4 organizations.

5 Q. How long have you been doing this kind of work?

6 A. I have been doing this work -- well, I've been running my  
7 own company since approximately 2003. And before that, I was  
8 employed at another company doing similar work starting in  
9 approximately 1998.

02:38 10 Q. I'm going to ask you about your education. Where did you  
11 go to college?

12 A. I have a Bachelor in Foreign Service from the Edmund A.  
13 Walsh School of Foreign Service at Georgetown University in  
14 Washington, D.C.

15 Q. What was the focus of the program there?

16 A. The focus of my studies was in international security  
17 studies -- international politics, excuse me -- with a focus in  
18 international security studies focused largely on the Muslim  
19 world.

02:39 20 Q. Did you graduate from there?

21 A. I did.

22 Q. And did you have any minors?

23 A. I didn't have a minor. I had what's known as a  
24 certificate.

25 Q. What was that in?

1 A. At Georgetown, at the School of Foreign Service, instead  
2 of students being given the opportunity to get a minor, instead  
3 there are four different certificate programs which are offered  
4 in case you want to pursue a specific area of studies.

5 My certificate is in Islam and Muslim Christian  
6 Understanding, which I earned from the Prince Alwaleed Bin  
7 Talal Center for Muslim Christian understanding at Georgetown  
8 University.

9 Q. Did you graduate with honors?

02:39 10 A. I did.

11 Q. Did you receive any additional honors?

12 A. Well, I graduated magna cum laude, and I also earned  
13 honors in my major as a result of writing an honors thesis.

14 Q. Describe what the Center For Muslim Christian  
15 Understanding is.

16 A. Yes, of course. The Center for Muslim Christian  
17 Understanding was established at Georgetown University in order  
18 to help foster better relations between the Christian and  
19 Muslim worlds, particularly to help Western students understand  
02:40 20 Islam, study Islam, and, again, afford a greater understanding  
21 in the United States of Islam.

22 Q. What was your involvement with that Center?

23 A. Well, I was a student there, and I earned a certificate  
24 from there as a result of writing what is known as a Capstone  
25 thesis.

1 Q. What is that?

2 A. A Capstone thesis, in order to earn a certificate, you  
3 have to go through a series of coursework. Then at the end,  
4 you present a thesis topic proposal to your mentor at the  
5 program. My mentor was Doctor John Voll. That's V-o-l-l. My  
6 proposal was on the subject of Early 20th Century Afghanistan  
7 and Religious and Political Modernization.

8 Q. Are you familiar with the Center for Contemporary Arab  
9 Studies?

02:40 10 A. Yes, I am.

11 Q. What is that?

12 A. The Center for Contemporary Arab Studies at Georgetown  
13 University is a subset of the School of Foreign Service. The  
14 purpose for the Center for Contemporary Arab Studies is to  
15 allow students in the United States to obtain an in-depth  
16 understanding of the Arab world, Arab politics, history,  
17 culture, language, religion, et cetera.

18 Q. What was your participation with that Center?

19 A. When I was a student at Georgetown University, I was a  
02:41 20 research assistant on behalf of Doctor Mamoun Fandy. That's  
21 M-a-m-o-u-n, F-a-n-d-y. I also took numerous courses at the  
22 Center For Contemporary Arab Studies, including under Doctor  
23 Fandy and other professors.

24 Q. Was the study of Jihad and terrorism part of that  
25 research?

1 A. Yes. It was one part.

2 Q. In addition to your Capstone thesis, did you participate  
3 in any other projects at the School of Foreign Services?

4 A. There was my honors thesis, of course.

5 Q. What was that on?

6 A. I wrote an honors thesis on the subject of the Legacy of  
7 the Arab-Afghans, a case study. I looked at the origins of the  
8 Arab-Afghan movement, in other words, the foreign fighters who  
9 had traveled to Afghanistan during the late 1980s, tracking  
02:42 10 their activities while in Afghanistan and then comparing and  
11 contrasting four countries in which these individuals had  
12 traveled to afterwards to understand the circumstances why they  
13 had traveled and to understand why they had either achieved or  
14 failed to achieve their objectives after moving on from  
15 Afghanistan.

16 Q. The Arab-Afghans, what time period did they go to  
17 Afghanistan? And then describe the time period that you  
18 studied.

19 A. The large group of foreign fighters -- or the largest  
02:42 20 group of foreign fighters who fought in Afghanistan during the  
21 late 1980s arrived in approximately 1986 and stayed there until  
22 approximately 1991. I'm sorry. I didn't hear the second part.

23 Q. On that point, was that the end of the Soviet occupation  
24 of Afghanistan?

25 A. That's correct. They went there to fight the Soviet

1 occupation of Afghanistan and to fight against the Afghan  
2 Communist government.

3 Q. And then -- so for purposes of your study, what -- in  
4 terms of what happened after the legacy of the Arab-Afghans,  
5 what time period did you study?

6 A. I studied the period of approximately 1991 until -- well,  
7 April of 2001 when I published my thesis.

8 Q. Did you do any further education after that?

9 A. Yes. I have a J.D., a juris doctorate from the University  
02:43 10 of Pennsylvania Law School in Philadelphia, Pennsylvania.

11 Q. Juris doctorate, it's a law degree now?

12 A. It's a graduate law degree, that correct.

13 Q. Are you a lawyer?

14 A. No, I'm not a lawyer.

15 Q. You passed the bar anyway?

16 A. No, I have not.

17 Q. Did you have any classes in law school on national  
18 security or terrorism issues?

19 A. I did.

02:43 20 Q. Describe those.

21 A. Within the law school itself, I took a number of classes  
22 focused on my area of study, including a Cyber Crime Seminar  
23 taught by individuals from the FBI and Department of Justice.  
24 I also took classwork in Diplomacy in Terrorism. Outside of  
25 the law school, I also took classwork -- excuse me. I did

1 classwork in the Graduate School of Arts and Sciences, namely  
2 in Afghanistan and Islamism.

3 Q. After law school, what did you do?

4 A. After law school, I founded my company, which is now known  
5 as Flashpoint Global Partners.

6 Q. At some point, were you affiliated with an organization  
7 called The Investigative Project?

8 A. I was.

9 Q. Describe when that was.

02:44 10 A. In February 1988, when I was a student at Georgetown  
11 University, I began an internship at an organization known as  
12 The Investigative Project, which was a think tank and policy  
13 group which was started in approximately 1995 by a former CNN  
14 journalist. The purpose of The Investigative Project was to do  
15 open source research on international terrorist organizations,  
16 their hierarchy, their communications, their financing, their  
17 propaganda.

18 Shortly after I began doing -- in my internship,  
19 eventually I became a full employee. And by the time I left  
02:45 20 The Investigative Project in 2003, I was a senior analyst.

21 Q. You mentioned open source information. What is that?

22 A. Because of the fact that I don't have a security  
23 clearance, because of the fact that, based on what I was taught  
24 in terms of doing research, I focus on the area of open source  
25 research, in other words, information that is publicly



1 available but that may be difficult to find, in other words,  
2 information that does not come from intelligence agencies,  
3 information that does not come from sources where I don't have  
4 access to know where -- the chain of custody, how the  
5 information came down.

6 In practical terms, this amounts to documents such as  
7 video recordings and audio recordings released by terrorist  
8 organizations, magazines released by terrorist organizations,  
9 original interviews with members or leaders of terrorist  
02:46 10 organizations, copies of communications from individuals  
11 involved in international terrorist organizations, that kind of  
12 material.

13 Q. And do you personally participate in online forums and  
14 other places where you would obtain that kind of material?

15 A. Yes. I'm a -- I have registered accounts on virtually  
16 every single online forum used by individuals who are violent  
17 extremists who subscribe to the concept of Jihad. I have had  
18 registered accounts on those forums since their inception in  
19 approximately 2002. I regularly monitor those forums on a  
02:46 20 day-to-day basis. And I have a complete database of virtually  
21 every single message that has been posted on those forums since  
22 approximately 2006.

23 Q. Getting into the details of your work at The Investigative  
24 Project, you described how you would do the research. What  
25 would you do with your research?

1 A. After we had gathered research, either by conducting  
2 interviews or by gathering other materials, we would then  
3 distill this information into unclassified memorandum,  
4 articles, briefings, congressional testimonies, products that  
5 could be then given to policymakers, to law enforcement, to  
6 media, to anyone with an interest in kind of the nitty-gritty  
7 detail of the international terrorist organizations.

8 Q. Were you affiliated with any government agency?

9 A. No. I've worked as a consultant on behalf of various  
02:47 10 different government agencies, but I have never served as a  
11 full-time employee of the United States Government.

12 Q. At some point, you separated from The Investigative  
13 Project?

14 A. I did. In late 2003, I left The Investigative Project,  
15 and I founded my own company, which, again, is now known as  
16 Flashpoint Global Partners.

17 Q. At the time, was it known by a different name?

18 A. Yes. The original name it was known by was the name of  
19 the first website which we registered, which was  
02:47 20 globalterroralert.com.

21 Q. That was a website that you registered for your company?

22 A. It is. And if you go to that domain now, you will go to  
23 our current website.

24 Q. What was globalterroralert.com?

25 A. Global Terror Alert was a concept which was designed to

1 put out pieces of information that we were gathering, the raw  
2 information about terrorist organizations, their recruitment,  
3 their financing, their hierarchy, in order to make this  
4 information available to other researchers, academics,  
5 policymakers, media; in other words, to help further the  
6 understanding, the public understanding, of international  
7 terrorist organizations, their goals, their objectives, their  
8 methodologies, et cetera.

9 Q. Do you maintain a library of documents and data?

02:48 10 A. I do.

11 Q. Describe what types of data that is.

12 A. I maintain an archive that is approximately three or four  
13 terabytes in size. That is thousands upon thousands of  
14 gigabytes. I contain -- my database, excuse me, contains  
15 records of virtually every single video recording issued by  
16 al Qa'ida or other Jihadi movements, every single magazine,  
17 every single communique, every single official statement.

18 We have all of this material organized as business records  
19 so we can quickly look and tell when a document was released,  
02:49 20 where it was released from, specific data, technical  
21 information related to that release, so that we can quickly  
22 determine and recover information produced by international  
23 terrorist organization.

24 Q. How did you collect that information?

25 A. I collected it personally. I collected it through

1 multiple methods. I collected the information through going  
2 out in the field and directly interviewing individuals who have  
3 either been convicted or have acknowledged their involvement in  
4 international terrorist activities. I have collected  
5 information from the internet. I have collected information  
6 from intermediaries, in other words, individuals who sell  
7 Jihadi videos or Jihadi audio recordings, such material as  
8 that.

9 Q. Managing that much data, did you develop any computer  
02:50 10 proficiency?

11 A. You could say that, yes.

12 Q. Do you use a computer every day in your work?

13 A. Yes. I have background in computer science. I used to  
14 program. I used to code in various different computer  
15 languages. And I have a fairly substantial familiarity with  
16 the use of the internet, the mechanics of the internet, and the  
17 mechanics of modern computer systems.

18 Q. In the course of your work, have you had the opportunity  
19 to review stored data on various digital media?

02:50 20 A. Yes. On behalf of the United States Government, as well  
21 as on behalf of foreign governments, I have been contracted to  
22 do reviews of preserved hard drives recovered in terrorism  
23 cases. I should say I've also done that on behalf of private  
24 clients as well.

25 Q. And are you familiar with software that's publicly

1 available to do that kind of work?

2 A. Yes. I'm familiar with packages such as InCase and FTK,  
3 which are the common means through which one can look at a  
4 forensically preserved hard drive and peruse the contents.

5 Yes, this is something for which I've provided services to  
6 multiple law enforcement services as well as private clients.

7 Q. In this case, were you provided with a computer hard  
8 drive?

9 A. I was, yes.

02:51 10 Q. What did you use to analyze that hard drive?

11 A. I believe I used the InCase software in order to review  
12 that hard drive.

13 Q. You described Global Terror Alert was -- how has that  
14 company changed?

15 A. The company has expanded. I have taken on business  
16 partners, and I have employees. We now have a group of  
17 translators, native language speakers, who speak Arabic, Urdu,  
18 Pashto, and other languages. We operate an office in Peshawar,  
19 Pakistan, in order to collect original information from the

02:52 20 Taliban and Afghanistan and Pakistan, among other groups. We  
21 do a lot more work. And, again, it's group of individuals now.

22 Q. In addition to your what I'll call your day job of running  
23 your company, do you have any other employment relationships?

24 A. Yes. Relating to the work that I do, I'm also employed as  
25 an on-air analyst on behalf of NBC News, MSNBC. And I should

1 add as well, I also do work on behalf of a variety of other  
2 organizations. I'm an analyst on behalf of a nonprofit group  
3 here in this country known as the NEFA Foundation, N-E-F-A,  
4 which stands for Nine/Eleven Finding Answers.

5 Q. What do you do for them?

6 A. Similar work to what I did on behalf of The Investigative  
7 Project: providing them with raw data and information relating  
8 to terrorist communications and financing and recruitment;  
9 allowing them to present that information to anyone who's  
02:53 10 interested, academics, policymakers, scholars. I've also  
11 compiled reports on their behalf which they have published on  
12 their website.

13 Q. Is there a particular subject matter that you focus on?

14 A. Yes. My particular -- the general subject matter that I  
15 focus on is contemporary Jihadi movements with a focus on  
16 al Qa'ida and al Qa'ida affiliates.

17 Q. Have you written or published any books?

18 A. I have, yes.

19 Q. What have you published?

02:53 20 A. In 2004, I published a book, "Al-Qaida's Jihad in Europe:  
21 The Afghan-Bosnian Network," which was actually a continuation  
22 of my honors thesis, looking at the progression of fighters  
23 from Afghanistan in the late 1980s, to the conflict that took  
24 place in the Balkans in Southeastern Europe in the early 1990s  
25 and analyzing the impact that that group of foreign fighters

1 had had on the conflict and their lasting impact on the  
2 Balkans.

3 Q. When was that published?

4 A. That was published in 2004. It was first published in  
5 London and the United Kingdom, and subsequently thereafter, it  
6 was published here in the United States.

7 Q. Has that book been reviewed by any notable firms or  
8 outfits?

9 A. It's been widely reviewed. I mean, it's been reviewed in  
02:54 10 a number of different scholarly publications. It's currently  
11 used as a teaching text in a variety of -- different  
12 institutions. It has been used in the past at the Harvard  
13 Kennedy School of Government and also at the Johns Hopkins  
14 School of Advanced Studies in Washington, D.C.

15 Q. Has it been cited by any major pieces of work on  
16 terrorism?

17 A. Yes. It was cited in the final report of the Bipartisan  
18 Congressional 9-11 Commission in 2004.

19 Q. In addition to books, have you published other articles or  
02:54 20 other papers?

21 A. Yes. I regularly publish articles, scholarly pieces, and  
22 other material. Recent publications that I have published --  
23 excuse me. Recent publications that I've written have been  
24 published in such venues as the West Point Counterterrorism  
25 Center Sentinel Journal; African Security, which is a scholarly

1 journal, obviously, about security in Africa, et cetera;  
2 foreign policy.

3 Q. How frequently do you publish?

4 A. Usually between six and twelve times a year, sometimes a  
5 little less, sometimes a little more. It just depends on what  
6 there was on my plate at a given time.

7 Q. Is your work peer-reviewed at any time?

8 A. Yeah. It is frequently peer-reviewed. My book,  
9 obviously, "Al-Qaida's Jihad in Europe," in order to be  
02:55 10 published, was subject to a formal peer-review process. One of  
11 my more recent publications, my jointly written piece on the  
12 Shabaab al-Mujahideen movement in Somalia that was published in  
13 African Security, was peer-reviewed. African Security is a  
14 peer-reviewed publication. It just depends on the context.

15 But even when it comes to nonpeer-reviewed publications,  
16 virtually everything that I write is carefully reviewed by a  
17 wide range of colleagues of mine before I actually publish  
18 something.

19 Q. After publishing, is there a network of terrorism experts  
02:56 20 who reads and consumes the other -- the work of your peers?

21 A. Yeah. It's a fairly small community. So this stuff is  
22 generally shared and discussed. I regularly attend  
23 international conferences here in the United States and abroad  
24 in which these issues are discussed, which recent publications  
25 are discussed. I regularly present material from these papers



1 in front of these audiences, and I am then subject to a  
2 question-and-answer session where I have to defend what I've  
3 just said.

4 Q. All right. Are you familiar with a person named Marc  
5 Sageman?

6 A. Yes.

7 Q. Do you see him in the courtroom?

8 A. He's right there (indicating).

9 Q. How are you familiar with that individual?

02:57 10 A. Doctor Sageman is another expert in international  
11 terrorism, and we frequently speak alongside each other at  
12 events put on by NGOs like the United Nations and I think most  
13 recently in Saudi Arabia last year.

14 Q. In addition to your -- how frequently do you engage in  
15 these speaking engagement?

16 A. It varies but usually two to three times a month,  
17 sometimes a little more, sometimes a little less. I was ill  
18 earlier this year, so it's a little less this year. But,  
19 generally speaking, about that often.

02:57 20 Q. Have you ever given congressional testimony?

21 A. I have.

22 Q. How many times?

23 A. I have testified -- I've actually testified twice before  
24 Congress, and I have a third testimony coming up on next  
25 Tuesday.

1 Q. In your past testimony, what have been the topics?

2 A. The topics have included the role of Saudi Arabian  
3 charitable organizations in providing terrorist financing; the  
4 future of al Qa'ida beyond the death of Osama bin Laden; and my  
5 testimony coming up on Tuesday is about the use of social  
6 networking sites and the internet by Jihadi organizations.

7 Q. I guess that means that you will not be here on Tuesday?

8 A. In Arabic, I think they say "insha' Allah," God willing.

9 Q. Have you interviewed mujahideen?

02:58 10 A. I have.

11 Q. Describe that.

12 A. I've interviewed a range of different individuals who have  
13 either fought in Afghanistan between the years of approximately  
14 1986 and 1995. I've also interviewed individuals who have  
15 fought in other conflicts, including the conflict in  
16 Bosnia-Herzegovina, Kashmir and beyond. These individuals  
17 include persons such as Abu Hamza Al-Masri. That's A-b-u,  
18 H-a-m-z-a, A-l, dash, M-a-s-r-i. Abu Hamza has been convicted  
19 of terrorism offenses in the United Kingdom.

02:59 20 I've also interviewed Abdullah Anas, A-b-d-u-l-l-a-h,  
21 A-n-a-s, who is the son-in-law of Abdullah Azzam, A-z-z-a-m,  
22 the founder of the Arab-Afghan movement. I have interviewed  
23 Shaykh Omar Bakri Mohammed, S-h-a-y-k-h, O-m-a-r, B-a-k-r-i,  
24 M-o-h-a-m-m-e-d, the founder of the al-Muhajiroun Movement,  
25 M-u-h-a-j-i-r-o-u-n. I've also interviewed a number of Iraqi

1 insurgent organizations; the Islamic Army of Iraq; the  
2 Al-Rashiden Army, R-a-s-h-i-d-e-n; Hamas al-Iraq, the Hamas  
3 organization in Iraq, et cetera.

4 Q. Have you also conducted interviews online of individuals  
5 with a virtual presence?

6 A. Yes, I have. I have either attempted to or conducted  
7 interviews with a number of individuals who perform media tasks  
8 on behalf of al Qa'ida and its affiliates.

9 Q. Are you familiar with someone named Younis Tsouli?

03:00 10 A. I am, yes.

11 Q. How are you familiar with him?

12 A. I am familiar with Mr. Tsouli because of the fact that I  
13 was a registered member on the forum that he was running, The  
14 Muntada al-Ansar, M-u-n-t-a-d-a, a-l, A-n-s-a-r. I was not  
15 only a registered member, but at a certain point in time I also  
16 contacted Mr. Tsouli directly over email, and I engaged in a  
17 dialogue with him over email in approximately August of 2005.

18 Q. Did he have an online moniker?

19 A. He did.

03:00 20 Q. What was that?

21 A. His online moniker was Irhaby 007, I-r-h-a-b-y, 007, which  
22 means terrorist 007.

23 Q. Do you know what "Irhaby" means in Arabic?

24 A. It means terrorist.

25 Q. With regards to your Arabic language skills, can you

1 describe them?

2 A. Yes. I have no formal training in Arabic; however, in  
3 order to study Islam, you have to memorize a great deal of  
4 Arabic vocabulary. Islam was born of the Arabian Peninsula.  
5 The language of Islam is really Arabic. So I've learned quite  
6 a bit of Arabic through that.

7 In addition, through my various different studies and my  
8 -- in my experience in reviewing Jihadi web forums and whatnot,  
9 I have gained a fairly working knowledge of Arabic. However, I  
03:01 10 don't rely on that. I have translators who sit next to me  
11 while I view these forums, while I browse these forums, who are  
12 native speakers who directly assist and work with me in terms  
13 of interpreting the material on there and understanding what's  
14 being said.

15 Q. Now, over the last several years, have you consulted with  
16 various government agencies?

17 A. I have, yes.

18 Q. Can you describe what you've done?

19 A. Yes. I have provided consulting services on behalf of the  
03:02 20 U.S. Department of Justice, the U.S. Military, the Department  
21 of State, and various other sub-entities within those  
22 organizations. The consulting services have included  
23 everything from assisting in giving presentations or giving  
24 presentations to foreign governments, doing forensic review of  
25 hard drives, seized hard drives, reviewing other evidence

1 collected in terrorism investigations, providing insight into  
2 that material, and occasionally also giving testimony in both  
3 U.S. and foreign courts in terrorism cases.

4 Q. In addition to the U.S. Government, have you been  
5 consulted -- have you been a consultant to other government  
6 agencies?

7 A. Yes, I have.

8 Q. Describe that.

9 A. Outside the United States Government, I have also been  
03:02 10 hired as a consultant by the Governments of Bosnia-Herzegovina,  
11 the Government of Denmark, the Government of the United  
12 Kingdom, the Government of Scotland, the Government of  
13 Australia. And I've also provided services outside of that to  
14 of governments including Indonesia, the Philippines, et cetera.

15 Q. With relation to your domestic work, have you been  
16 retained in relation to criminal prosecutions before?

17 A. I have, yes.

18 Q. In what capacity?

19 A. I have been retained in order to provide, again, review of  
03:03 20 evidence and analysis of seized evidence in terrorism cases as  
21 well as to provide expert witness testimony in federal court.

22 Q. Approximately how many times have you done that?

23 A. I have testified, previous to this occasion, 20 times in  
24 the U.S. Federal Court in criminal matters. I've also  
25 testified an additional, I believe, two times in civil court as

1 an expert. And I've testified one additional time as a fact  
2 witness in federal court.

3 Q. When you consult -- sorry. When you -- I guess when you  
4 consult with your various employers, do they pay you?

5 A. That's, generally speaking, how it works, yes.

6 Q. When you testify, unlike typical what we call lay  
7 witnesses, are you being paid for your testimony -- not your  
8 testimony but for appearing here and providing your services  
9 for today?

03:04 10 A. Yes, I am.

11 Q. What's the payment relationship in this case?

12 A. I believe I'm being paid by the hour.

13 Q. Have you testified overseas?

14 A. I have, yes.

15 Q. Describe what that entailed.

16 A. I have testified in courts including the Old Bailey in  
17 London; Central Scotland Criminal Court in Glasgow. I've  
18 testified in the Supreme Court of New South Wales in Sidney,  
19 Australia. I've testified twice before the Supreme Court of  
03:04 20 Bosnia-Herzegovina in Sarajevo. I've testified in behalf of  
21 the Central Criminal Court in Copenhagen, Denmark, on several  
22 occasions. And I believe that's all of them.

23 Q. How long have you been consulting with various different  
24 government agencies or the different prosecutors' offices?

25 A. Since approximately 2003, since I began work in my own

1 company.

2 Q. Are you also affiliated with any nonprofit organizations?

3 A. Yes, I am.

4 Q. I think you mentioned the Nine/Eleven Finding Answers.

5 A. That's correct. I'm an analyst with the Nine/Eleven  
6 Finding Answers Foundation.

7 Q. Are you paid by them?

8 A. I was paid. I am not taking payment directly from them  
9 right now, no.

03:05 10 Q. Are you paid by NBC as well for your --

11 A. I am, indeed, paid by NBC. I'm paid on a yearly contract  
12 by NBC.

13 Q. What has been the nature of your previous testimony in  
14 these cases that you've testified in?

15 A. The nature of my testimony varies, but it generally  
16 focuses, again, on the hierarchy, communications, history,  
17 leadership, activities, recruitment patterns of international  
18 terrorist organizations, with a focus on groups like al Qa'ida,  
19 the Taliban, Lashkar-e-Taiba, et cetera.

03:06 20 Q. Have you travel internationally?

21 A. I have.

22 Q. With respect to this area of your expertise, describe your  
23 relevant travel.

24 A. Yes. I've been to a number of critical countries. I've  
25 been to Bosnia-Herzegovina on multiple occasions. I've been to

1 Indonesia. I've been to Saudi Arabia. I've been to Qatar.  
2 I've been to Jordan. I've been throughout Europe. I've  
3 visited various different mosques. I've been to Azerbaijan.  
4 Suffice it to say, I have a fairly extensive travel history.

5 Q. Is that professional travel?

6 A. All of that is professional travel, yes.

7 Q. For your speaking engagements, are you paid for your  
8 speaking engagements?

9 A. Typically. Well, not always but typically speaking, yes.

03:06 10 I don't always charge when it comes to academic institutions.

11 Q. Now, bringing you to this case, were you retained as an  
12 expert in this case?

13 A. I was, yes.

14 Q. What were you provided by the government?

15 A. The government in this case provided me with a  
16 forensically preserved copy of a hard drive, and I was asked to  
17 review the material on that hard drive and produce an  
18 assessment of the material -- the significance of the material  
19 that I found on that hard drive.

03:07 20 Q. Now, for purposes of your testimony today, are you  
21 testifying -- are you familiar with what's called an expert  
22 witness?

23 A. I am, yes.

24 Q. Do you understand that as you -- have you testified as an  
25 expert witness before?



1 A. Yes, I have.

2 Q. How many cases have you -- would you say you've testified  
3 in?

4 A. In U.S. Federal Court?

5 Q. Yes.

6 A. Twenty.

7 Q. Describe the methodology you use when you do your  
8 analysis.

9 A. I look at the material that I'm provided. I attempt to  
03:07 10 determine whether or not that material reflects other material  
11 of which I have personally reviewed and have seen either on  
12 Jihadi web forums or in the context of interviews that I have  
13 done with Jihadi leaders, in the context of other material that  
14 I'm familiar with relating to international terrorist  
15 organizations. And then I assess the significance of that  
16 material, the relevance of that material, and I attempt to  
17 identify what it is.

18 Q. Are you familiar with the term "social science"?

19 A. Yes.

03:08 20 Q. What is that?

21 A. Social science is the science of studying social  
22 interactions between human beings. It covers fields such as  
23 history, politics, et cetera.

24 Q. You described -- you referenced earlier the way that you  
25 were taught to do research. Can you describe how you do

1 research?

2 A. Yes. I wrote my honors thesis, in order to write my  
3 honors thesis at Georgetown, I had to go through a  
4 semester-long course on how to do proper research. It was  
5 taught by the late Doctor Joseph Lepgold, a senior member of  
6 the Department of Government at Georgetown University. I was  
7 taught the proper methods for doing research, No. 1; in other  
8 words, No. 1, to focus on open source research, understanding  
9 the value of particular sources, understanding that newspaper  
03:09 10 articles are not necessarily as relevant or as credible or as  
11 useful as original interviews or as video recordings produced  
12 by terrorist organizations; in other words, understanding how  
13 to categorize various different pieces of research according to  
14 their prominence and according to their significance.

15 And then I was taught the process of comparative analysis.  
16 Comparative analysis is a basic social science technique. It  
17 is the essential social science technique. It involves taking  
18 various different sources of information, comparing them,  
19 contrasting them, and attempting to determine what these  
03:09 20 sources agree on and what they do not agree on so that a common  
21 narrative can be derived from these sources.

22 Q. So as you prepared for coming into this court, did you  
23 prepare a report?

24 A. I did, yes.

25 Q. Did you prepare a report using that methodology that you

1 just described?

2 A. Yes. Every report that I write is based on the  
3 comparative analysis form of social science, yes.

4 Q. The previous reports that you've written, what do you do  
5 with those?

6 A. I submit them to the United States Government or whoever  
7 is hiring me to produce them.

8 Q. Are several of them available online?

9 A. I believe several of them are available online. I believe  
03:10 10 several of them have either been published by the court system  
11 or have been published on the website of the Nine/Eleven  
12 Finding Answers Foundation.

13 Q. In this case, were you given access to all of the evidence  
14 in the case?

15 A. I don't know. I only know that I was provided with the  
16 hard drive. I don't know what other evidence there might be  
17 that I haven't seen. I assume there probably is, but I don't  
18 really know.

19 Q. I'm going to start asking you now about al Qa'ida. What  
03:10 20 is al Qa'ida?

21 A. Al Qa'ida is a terrorist organization which was founded in  
22 approximately September of 1988 on the Afghan-Pakistani border.  
23 It was founded by an individual named Shaykh Osama bin Laden,  
24 along with other supporters of his. These individuals were  
25 gathered at a particular location on the Afghan-Pakistani

1 border. They had had experience fighting against the Soviet  
2 Army and against Afghan Communist forces. And they perceived  
3 that the victory that they had achieved against the Soviets and  
4 against the Afghan Communist forces was emblematic, that they  
5 should enlarge in a larger struggle that would be more  
6 expansive and that would take on other adversaries beyond  
7 merely the Soviets and the Afghan Communists, namely, the  
8 United States.

9 Q. Are you familiar with the term "designated foreign  
03:11 10 terrorist organization"?

11 A. I am, yes.

12 Q. What is a designated foreign terrorist organization?

13 A. The United States Government retains a specific name and a  
14 specific designation for groups that have been officially  
15 blacklisted as foreign terrorist organizations, and they call  
16 that a designated foreign terrorist organization. If the State  
17 Department deems that a particular group is a designated  
18 foreign terrorist organization, the State Department publishes  
19 this information and thus makes it illegal for anyone in the  
03:12 20 United States, I believe beyond the United States, to provide  
21 financing or any other form of material support to that  
22 organization, including recruiting on its behalf, including  
23 publishing its media, et cetera, et cetera.

24 MR. CHAKRAVARTY: Can we call up Exhibit 746? It has  
25 not been introduced, your Honor.

1 THE COURT: It has not been?

2 MR. CHAKRAVARTY: It has not yet.

3 THE COURT: This is just for the witness then?

4 MR. CHAKRAVARTY: Yes. Thank you.

5 Q. Do you recognize that?

6 A. I do, yes.

7 Q. What is that?

8 A. This is a page from the Federal Register. This is where  
9 the U.S. Government officially publishes notifications  
03:12 10 regarding things such as designations. In this case, this is a  
11 public notice issued by the Office of the Coordinator for  
12 Counterterrorism at the Department of State, and the title of  
13 this is, The Designation of Foreign Terrorist Organizations.  
14 It is a designation of a number of organizations as FTOs, or  
15 foreign terrorist groups, including -- and you can see this  
16 right here in the first column -- al Qa'ida.

17 MR. CHAKRAVARTY: Your Honor, I'd move to introduce  
18 this and publish it.

19 MR. CARNEY: No objection.

03:13 20 THE COURT: Okay.

21 (Exhibit No. 746 received into evidence.)

22 Q. Is this the designation of al Qa'ida as a foreign  
23 terrorist organization?

24 A. It is. And this includes the various different aliases  
25 that al Qa'ida is also known as, or a/k/a's.

1 Q. How does Jihad relate to al Qa'ida?

2 A. The term "Jihad," which simply means holy struggle, is  
3 interpreted by those who lead and who follow al Qa'ida  
4 exclusively in the form of a violent conflict. Jihad does not  
5 necessarily mean that, but this is the interpretation of those  
6 within al Qa'ida, that Jihad exclusively refers to fighting a  
7 violent holy war against the enemies of Islam. It is the  
8 operating methodology and, really, the ideology of al Qa'ida  
9 and its membership.

03:14 10 Q. What are al Qa'ida's goals and objectives?

11 A. Al Qa'ida has a variety of different goals and objectives  
12 because it is, in fact, a product of a number of different  
13 individuals from different countries. The primary goals of  
14 al Qa'ida include the eradication of so-called apostate regimes  
15 in countries like Saudi Arabia, Egypt, Syria, Iraq, Jordan,  
16 Yemen.

17 It includes the eradication of all U.S. influence from the  
18 Middle East, including the removal of all U.S. military forces  
19 from the Middle East. It includes the radical revision of the  
03:14 20 politic, the general politic, of the Middle East; the  
21 establishment or the reestablishment of an Islamic empire; and  
22 the establishment of Sharia, or Islamic law.

23 Q. Describe a brief history of al Qa'ida from the time of its  
24 founding to where it is today.

25 A. Al Qa'ida's first period of existence was approximately

1 between 1988 and 1991. During that time, it was primarily  
2 located on the Afghan-Pakistani border, at training camps that  
3 it established during the Afghan-Soviet conflict.

4 In approximately 1992, because of prevalent circumstances  
5 inside of both Afghanistan and Pakistan, the Afghan Civil War  
6 had fallen apart. It was very dangerous there. Meanwhile  
7 Pakistan was not very eager to have Jihadis inhabiting its  
8 soil. These individuals had to leave. They were forced to  
9 depart. They moved their base of operations to Khartoum,  
03:15 10 Sudan.

11 While al Qa'ida maintained its headquarters in Khartoum,  
12 various fighters on its behalf traveled to other conflict  
13 zones, in places like Bosnia-Herzegovina, Kashmir, Tajikistan,  
14 the Philippines, in order to support Muslim guerrilla forces  
15 fighting in various different conflicts in these regions.

16 In approximately 1996, al Qa'ida's leadership had a very  
17 serious argument with the Government of Sudan. That argument  
18 quickly broke down to the point where al Qa'ida was forced to,  
19 once again, leave the Sudan and find a new home. At that point  
03:16 20 in time, al Qa'ida relocated back to Afghanistan where it had  
21 managed to secure a partnership with native Afghans who were  
22 willing to provide it safeguard, safekeeping, a safe place to  
23 reestablish itself. And at that point in time, al Qa'ida  
24 reestablished its base of operations on the -- inside of  
25 Afghanistan but near the Pakistani border, in places like

1 Kandahar and Khost, K-h-o-s-t.

2 Excuse me. Sorry. This period extended until  
3 approximately September, October of 2001. In September,  
4 October of 2001, following the U.S. invasion of Afghanistan,  
5 al Qa'ida was once again forced to abandon its training camps  
6 and its bases of operation, and it fled; the membership fled.

7 Al Qa'ida currently maintains a presence continuing along  
8 the Afghan-Pakistani border but in a variety of other countries  
9 as well. Al Qa'ida has active affiliate groups, subunits of al  
03:17 10 Qa'ida, active in countries such as Iraq, Yemen, Saudi Arabia,  
11 Algeria, Mauritania, et cetera.

12 Q. Each of those affiliates, they have "al Qa'ida" as the  
13 first part of their name?

14 A. Most of them do, yeah. Most of them do. Some of them  
15 initially began with another name, but eventually they swore an  
16 official oath of allegiance to Osama bin Laden. It should be  
17 said as well that most of the people that run these affiliate  
18 groups are themselves veterans of the Afghan conflict. They  
19 once fought alongside Osama bin Laden, and they simply moved on  
03:18 20 back to their own home country with the idea of bringing his  
21 ideas -- bringing bin Laden's ideas and making them forefront  
22 in various different particular regions like Yemen, North  
23 Africa, et cetera.

24 Q. Are those affiliates -- have they also been designated as  
25 foreign terrorist organizations?



1 A. I believe every single affiliate of al Qa'ida, whether or  
2 not it has "al Qa'ida" in the name, has been designated by the  
3 United States Government as an FTO, a foreign terrorist  
4 organization.

5 Q. Can you describe al Qa'ida's relationship with the United  
6 States?

7 A. Al Qa'ida has, from its inception, considered the United  
8 States to be its primary adversary. Al Qa'ida's philosophy  
9 from the beginning was that the Afghan war during the 1980s  
03:18 10 proved that there are no more super powers. There are no more  
11 minipowers. The only power is the power of willpower, of  
12 religious belief.

13 Al Qa'ida believes that its primary mission is to fight  
14 against the United States and its allies, to undermine U.S.  
15 influence, to undermine the U.S. economy, and to do its utmost  
16 in terms of destroying the United States Government.

17 Q. Have there been attacks on U.S. interests by al Qa'ida?

18 A. Yes.

19 Q. Can you describe, first pre-9/11?

03:19 20 A. Al Qa'ida was responsible for a number of different  
21 terrorist attacks, the most important of which were the August  
22 1998 suicide bombings of two U.S. embassies in East Africa: in  
23 Nairobi, Kenya; and Dar es Salaam, Tanzania. These attacks  
24 were responsible for the killing of, I believe, 17 Americans;  
25 however, the attacks also killed several hundred Africans.

1 Subsequent to that, in October of 2000, al Qa'ida used a  
2 suicide boat bomb attack against a U.S. Naval vessel, the USS  
3 Cole, off the coast of Aden, Yemen. That attack also killed  
4 approximately a dozen American and caused severe damage to a  
5 U.S. Naval vessel.

6 Q. After 9/11 -- which I think every knows what happened  
7 then.

8 A. Right.

9 Q. After 9/11, have there been continued combat between  
03:20 10 al Qa'ida and the United States?

11 A. Yes. Following 9/11, al Qa'ida continued to launch  
12 terrorist attacks against the United States and against U.S.  
13 interests and U.S. allies. Attacks that have followed 9/11,  
14 that have been the work of al Qa'ida, include, but are not  
15 limited to, the October 2002 bombing of a French supertanker  
16 off the coast of Limburg, an oil tanker; the July 7, 2005,  
17 suicide bombing attacks in London, et cetera.

18 Q. Describe the leadership of al Qa'ida and how that's  
19 evolved since it was founded.

03:21 20 A. Al Qa'ida was founded in 1988 by Osama bin Laden, but bin  
21 Laden was joined in this mission by a number of other  
22 individuals. His most important deputy from the very beginning  
23 was Egyptian national, a former pediatrician, by the name of  
24 Doctor Ayman al-Zawahiri, Z-a-w-a-h-i-r-i. Doctor al-Zawahiri  
25 served as bin Laden's personal physician as well as al Qa'ida's

1 No. 2.

2 Surrounding that, there was a coterie of other individuals  
3 who formed al Qa'ida's "Shura" council. That's S-h-u-r-a. The  
4 Shura council is kind of like a cabinet for  
5 al Qa'ida. It's a leadership cabinet. It includes people such  
6 as the individuals in charge of al Qa'ida's military wing,  
7 al Qa'ida's media wing, al Qa'ida's financing. These  
8 individuals include people such as Abu Hafs al-Masri, A-b-u,  
9 H-a-f-s, a-l, M-a-s-r-i, who was once the leader of al Qa'ida's  
03:22 10 military wing. It also includes other individuals such as Abu  
11 Yahya al-Libi. There's a whole long list.

12 Q. I don't need all of them.

13 A. Okay.

14 MR. CHAKRAVARTY: Call up 157. This is in evidence.

15 Q. Who's that?

16 A. This is al Qa'ida's deputy commander, now the new leader  
17 of al Qa'ida, Doctor Ayman al-Zawahiri, of Egypt. This is a  
18 still image from a video recording released by al Qa'ida of  
19 Doctor al-Zawahiri and released on the internet by an  
03:22 20 organization that tracks such videos.

21 Q. Have the leaders of al Qa'ida issued statements about the  
22 United States in particular?

23 A. Al Qa'ida frequently issues both text statements, video,  
24 and audio recorded statements about a number of topics but most  
25 centrally the United States, yes.

1 Q. Can you recount some of the significant statements along  
2 those lines?

3 A. Yes. Perhaps the first known public statement from Osama  
4 bin Laden was the August 1996 declaration of war. Osama bin  
5 Laden issued a statement in which he declared war against the  
6 United States military and called for a tax on United States  
7 interests in Saudi Arabia and other Middle Eastern countries.

8 This was followed up in February of 1998 with what is  
9 known as the Fatwa Against the International Coalition of Jews  
03:23 10 and Crusaders. During this Fatwa, bin Laden was joined with  
11 Doctor Ayman al-Zawahiri and the leaders of other different  
12 Jihadi movements in expanding the declaration of war and  
13 indicating that the declaration of war no longer merely applied  
14 to U.S. soldiers but that, in fact, now al Qa'ida was declaring  
15 war against United States civilians as well, including within  
16 U.S. borders, the idea that this was all fair game now. Both  
17 soldiers and civilians were fair game because, in the view of  
18 al Qa'ida, U.S. citizens pay taxes, which supports the  
19 military, which supports the government, meaning that they are  
03:24 20 legitimate targets.

21 Q. Why the animosity against the United States?

22 A. The United States -- the United States is a target for  
23 al Qa'ida because al Qa'ida believes that the current  
24 Westphalian state system and the contemporary political system  
25 in the Middle East is the result of U.S. foreign policy. It

1 believes that if the United States was eradicated or U.S.  
2 influence in the Middle East was eradicated this would give  
3 rise to a new Islamic system that would emerge in the Muslim  
4 world and the rise of Sharia law, of Islamic law.

5 Q. Around the time of the founding of al Qa'ida, was there a  
6 U.S. presence in the Middle East?

7 A. There was, yes.

8 Q. I guess specifically a U.S. military presence?

9 A. Yes, there was.

03:25 10 Q. Can you describe what that was?

11 A. There were several thousand U.S. troops that had been  
12 based in Saudi Arabia and other countries in the Arabian Gulf  
13 region since approximately August of 1990. Following the  
14 invasion of Kuwait by the then government of Iraq, led by  
15 Saddam Hussein, the United States military has maintained  
16 several thousand troops -- at one time, upwards of 120,000 --  
17 in Saudi Arabia and in other nearby countries.

18 And al Qa'ida has interpreted this as a violation of  
19 Islamic law because they point to a Hadith, something part of  
03:25 20 the Sunaa, part of the belief of Islam, that nonbelievers, that  
21 nonMuslums, should not be allowed in the Arabian Peninsula, the  
22 Land of the Holy Places, Bilad al-Haramain, B-i-l-a-d, a-l,  
23 H-a-r-a-m-a-i-n.

24 Q. Was the United States actually invited into the Arabian  
25 Peninsula?

1 A. Yes. The United States was invited to the Arabian  
2 Peninsula by King Fahd, the leader of the Kingdom of Saudi  
3 Arabia, or then leader of the Kingdom of Saudi Arabia, as well  
4 as the leaders of other regional states such as Kuwait, Qatar,  
5 et cetera.

6 Q. Can you describe a little bit about the personal history  
7 of Osama bin Laden?

8 A. Yes. Osama bin Laden is the son of a wealthy construction  
9 magnate, a Saudi. Bin Laden grew up in the Kingdom of Saudi  
03:26 10 Arabia, primarily in the city of Jeddah. In his early 20s, bin  
11 Laden became obsessed with the conflict taking place in  
12 Afghanistan. He first journeyed there because he heard there  
13 were beautiful horses in Afghanistan. When he arrived there,  
14 he became very, very interested in the conflict there. He  
15 became one of the primary sponsors, financial sponsors, of the  
16 Arab-Afghan movement, of foreign Jihadists who were arriving in  
17 Pakistan and Afghanistan seeking to fight against the Soviet  
18 and Afghan Communist armies.

19 He eventually decided that it was not enough merely to  
03:27 20 fight against the Soviets, but it was necessary to expand this  
21 confrontation. So he decided to form his own organization,  
22 which he called al Qa'ida, which means the solid foundation, or  
23 the solid base, with the idea that al Qa'ida would be the base  
24 from which a new Islamic society would emerge, would come  
25 forth, that would be governed strictly by Sharia law, as

1 interpreted by fairly conservative clerics.

2 Q. Does Osama bin Laden have any connection to Yemen?

3 A. He does, yes. Bin Laden's family ancestrally traces its  
4 roots back to the Hadramawt region in Yemen. Hadramawt is  
5 H-a-d-r-a-m-a-w-t. It's a tribal region of Yemen. Even though  
6 bin Laden has never actually lived in this region, he sees  
7 himself as a son of the Hadramawt, as a son of the Yemeni  
8 tribes there. He has a tremendous respect for Yemenis and  
9 Yemeni Jihadists in particular. In fact, many, if not most, of  
03:28 10 his personal bodyguards have, in fact, been Yemenis for that  
11 very reason.

12 Q. Has he actually applied an appellation to his name with  
13 regards to his affiliation with Hadramawt?

14 A. I think he calls himself al-Hadrami. I should say he  
15 called himself al-Hadrami.

16 Q. Of course, he died earlier this year.

17 A. That's correct, yes.

18 Q. Did al Qa'ida pick up the banner of those speeches that  
19 bin Laden and Zawahiri gave to declare war on the United  
03:28 20 States?

21 A. Yes. Al Qa'ida's membership for the most part was very  
22 supportive of bin Laden's message, was very receptive to bin  
23 Laden's message and followed up on his Fatwas and his orders  
24 and his exaltations to carry out attacks on the United States  
25 and its allies.

1 Q. Is there a particular ideological underpinning to al  
2 Qa'ida?

3 A. Al Qa'ida is a Jihadi organization. So Jihad is its  
4 central philosophy. However, the people that constitute  
5 al Qa'ida generally come, No. 1, from the Sunni school of  
6 Islam. Islam is divided into the majority and the minority  
7 sect: the Sunni and the Shiite sect. These two sects don't  
8 get along with each other, generally speaking. Al Qa'ida is  
9 drawn from the Sunni sect of Islam. But even from within that  
03:29 10 sect, there's a variety of different schools.

11 Al Qa'ida follows a school which is best described as  
12 Salafi-Jihadi. It is a Puritanical belief that Islam should be  
13 returned back to conditions that it was first laid out in when  
14 the Prophet Muhammad first came about in the Arabian Peninsula;  
15 in other words, the conditions both cultural, religious,  
16 political should revert back to those very same conditions with  
17 Jihad as a central, guiding, philosophical concept, the idea,  
18 the necessity, of both having these religious beliefs and  
19 waging violent conflict in order to make sure these religious  
03:30 20 beliefs are expanded and the rule of Sharia law is expanded.

21 Q. Do al Qa'ida leaders cite to religious texts?

22 A. Very frequently, yes.

23 Q. What's the value of citing to religious texts?

24 A. Al Qa'ida is seeking to recruit individuals who are  
25 religious. Al Qa'ida is seeking to recruit individuals who



1 believe in Islam, who are faithful Muslims, who are faithful  
2 Sunni, Muslims from, generally speaking, the Salafi-Jihadi  
3 school. In order to recruit such individuals, you have to have  
4 an Islamic ideology. You have to have an Islamic philosophy,  
5 or at least the appearance of one. And that is exactly what al  
6 Qa'ida has done.

7 Q. Where along the ideological -- or Jihadi ideological  
8 spectrum does al Qa'ida fall?

9 A. Al Qa'ida is a fairly extreme group. It is very far out  
03:31 10 on the end even on Salafi-Jihadi beliefs. However, there are  
11 even individuals who are more radical than al Qa'ida. These  
12 individuals are described as Takfiris, or the Khawarij. This  
13 traces its routes back to the history of Islam when there were  
14 a group of individuals who rebelled against the Army of  
15 Mohammed, and they were called the Khawarjites. And these  
16 people were considered to be deviants, and as a result now,  
17 anyone who was more radical than al Qa'ida, who was more  
18 radical than that, they're referred to as the Khawarij, or as  
19 Takfiris. Takfir means to excommunicate.

03:31 20 In Islam, even among radicals, it's a very controversial  
21 concept, the idea of excommunicating other Muslims or declaring  
22 other Muslims to be apostates. When you have individuals that  
23 are even more radical than al Qa'ida, typically speaking, these  
24 are the individuals who are willing to excommunicate other  
25 Muslims, which is, again, something that's generally not

1 accepted, even by al Qa'ida.

2 Q. Describe how the structure of al Qa'ida has evolved over  
3 the last ten years.

4 A. Al Qa'ida initially began as a fairly centralized  
5 organization when it was first established. Again, it had a  
6 very firm base of operations, first in Afghanistan, then in  
7 Sudan, then back in Afghanistan again. There were very  
8 specific training camps, fixed training camps, fixed bases,  
9 fixed headquarters.

03:32 10 In the months and years since the September 11th terrorist  
11 attacks on the United States, al Qa'ida has become increasingly  
12 decentralized. The reason for this is that fixed training  
13 camps had been bombed. Fixed headquarters or fixed guest  
14 houses can be raided. This is just presenting a target for al  
15 Qa'ida's enemies.

16 Al Qa'ida's leadership has devolved its roles more and  
17 more to individuals within the hierarchy. In other words,  
18 whereas Osama bin Laden was once responsible for personally  
19 issuing orders to carry out every single terrorist attack,  
03:33 20 nowadays these responsibilities are increasingly being farmed  
21 out to other individuals within the network, the idea being  
22 that the more decentralized it is, the more spread out it is,  
23 the more difficult it is for al Qa'ida's enemies to fight it.

24 Q. How has this affected al Qa'ida's relationship with other  
25 terrorist groups?

1 A. It has led al Qa'ida to form partnerships with a number of  
2 other terrorist organizations. It has led al Qa'ida to enter  
3 into formal partnerships with other terrorist organizations.  
4 These organizations have sometimes started on their own but  
5 then have sworn a Baiyat, sworn an oath of allegiance to bin  
6 Laden, and have officially been taken in as part of the  
7 organization.

8 These organizations maintain regular contact with bin  
9 Laden and other al Qa'ida leaders. They share resources. They  
03:34 10 share recruits. They share training camps. However, they do  
11 retain a degree of autonomy in the sense that these al Qa'ida  
12 affiliates occasionally launch attacks, occasionally engage in  
13 other activities whether or not they were specifically ordered  
14 to do so by Osama bin Laden or Doctor Ayman al-Zawahiri.

15 Q. Can you describe some of the al Qa'ida affiliates in this  
16 case? Let's start with in Iraq.

17 A. Yes. Following the U.S. invasion of Iraq in 2003, an  
18 individual traveled to Iraq by the name of Abu Musab Zarqawi,  
19 A-b-u, M-u-s-a-b, Z-a-r-q-a-w-i. Abu Musab is a native of  
03:34 20 Zarqa, which is a town in Jordan. That's where the name  
21 al-Zarqawi comes from. He traveled to Iraq with the idea of  
22 waging violent conflict, or violent Jihad, against the United  
23 States and against U.S. military forces there.

24 Initially, his movement was known as the Tawheed Wal-Jihad  
25 movement, T-a-w-h-e-e-d, W-a-l, J-i-h-a-d. However, this

1 movement increasingly came to the attention of al Qa'ida.  
2 Zargawi himself was a veteran of Afghanistan, had fought  
3 alongside bin Laden previously.

4 Following several notable attacks, which gained intense  
5 media attention, including an attack on the United Nations  
6 compound in Baghdad, the capital of Iraq, al Qa'ida entered  
7 into formal negotiations with Zargawi and eventually agreed to  
8 make Zargawi's organization an official al Qa'ida affiliate.

9 In October of 2004, Zargawi announced that his movement,  
03:35 10 the Tawheed Wal-Jihad movement, would henceforth be referred to  
11 as al Qa'ida in the Land of the Two Rivers,  
12 al Qa'ida in Mesopotamia, Tanzim Qa'idat al-Jihad fi Bilad  
13 al-Rafidayn.

14 Q. Are you familiar with al Qa'ida in Islamic Magrib?

15 A. Yes.

16 Q. What is that?

17 A. Similarly to what happened in Iraq, in Algeria, you have a  
18 group of individuals, some of whom are Afghan veterans. Others  
19 are just Jihadists who formed a group that was then known as  
03:36 20 the Salafi Group For Prayer and Combat. This group  
21 increasingly came to the attention of al Qa'ida's leaders as a  
22 potential partner, a regional partner, in North Africa.

23 Very similar to what happened in Iraq, in approximately  
24 2007, the Salafi Group For Prayer and Combat and its leadership  
25 entered into negotiations with al Qa'ida, with bin Laden and

1 his allies. As a result, the GSPC, the Salafi Group For Prayer  
2 and Combat, eventually became officially known as al Qa'ida in  
3 the Islamic Magrib. By "Islamic Magrib," they're referring to  
4 the region of North Africa, Northwest Africa, roughly  
5 comprising Algeria, Tunisia, Libya, Mauritania, and Morocco.

6 Q. Are you familiar with al Qa'ida in the Arabian Peninsula?

7 A. Yes.

8 Q. Describe that.

9 A. Al Qa'ida in the Arabian Peninsula way formed in late  
03:37 10 2008, early 2009. Al Qa'ida in the Arabian Peninsula is  
11 another official al Qa'ida affiliate group. The leaders of  
12 al Qa'ida in Arabian Peninsula are veterans of the battlefield  
13 in Afghanistan. Several of them are veterans with the battle  
14 of Tora Bora, in which al Qa'ida forces fought against United  
15 States forces in Afghanistan. Some of them are Guantanamo Bay  
16 -- former Guantanamo Bay detainees. One of them is the former  
17 personal secretary of Osama bin Laden.

18 These individuals previously had formed a network that was  
19 roughly known as al Qa'ida's network in Yemen. However, they  
03:38 20 officially then signed on with al Qa'ida, formed an alliance  
21 between Saudi and Yemeni al Qa'ida branches. And so this new  
22 branch emerged calling itself al Qa'ida in the Arabian  
23 Peninsula. AQAP is the common acronym it's known by.

24 Q. Before they consolidated, were there separate al Qa'ida  
25 presence in the peninsula?

1 A. Yes. The Arabian Peninsula refers to the entire  
2 peninsula, including both Yemen, Saudi Arabia, and other  
3 states. Previous to the existence of AQAP, there were  
4 al Qa'ida franchises, separate al Qa'ida franchises, in Saudi  
5 Arabia and in Yemen. In fact, the Saudi al Qa'ida franchise,  
6 al Qa'ida in the Arabian Peninsula, al Qa'ida in Bilad  
7 al-Haramain, was first formed in 2003.

8 It was actually al Qa'ida's first official affiliate  
9 group, regional affiliate group. It was founded by an  
03:39 10 individual named Yusuf al-Uyayri, U-y-a-y-r-i. Mr. al-Uyayri  
11 was a former bodyguard for Osama bin Laden. He had been  
12 imprisoned in Saudi Arabia as early as 1995. Following the  
13 September 11, 2001, terrorist attacks on the United States, Mr.  
14 al-Uyayri was responsible for creating a new al Qa'ida network  
15 inside of Saudi Arabia. He is also largely credited by al  
16 Qa'ida as being the first person to officially put al Qa'ida on  
17 the web, on the internet.

18 Q. In fact, earlier today, in some of these chats that you  
19 had the privilege, I say loosely, of seeing, did you see his  
03:39 20 name in some of those chats?

21 A. I did. His name is spelled in a number of different ways  
22 because it's an awkward name, Arabic to English. Sometimes  
23 it's spelled U-y-a-y-r-i. Sometimes is O-y-a-y-r-i. Sometimes  
24 it's A-y-y-i-r-i. But there's no doubt there's only one Yusuf  
25 al-Uyayri.

1 Q. Are you familiar with the term "al Qa'ida adherent"?

2 A. Yes.

3 Q. What is that?

4 A. An al Qa'ida adherent would be somebody who has not  
5 necessarily sworn an official oath of allegiance to al Qa'ida.  
6 It's someone who may not have officially met with someone from  
7 al Qa'ida, at least in a physical sense. But it is someone who  
8 supports al Qa'ida's beliefs, who supports its methodology, and  
9 frequently someone who seeks to participate in its activities  
03:40 10 either directly or, more frequently, indirectly.

11 Q. How do all of these entities coordinate: The al Qa'ida --

12 A. I'm sorry?

13 Q. How do these entities coordinate: The al Qa'ida core, the  
14 affiliates, and the adherents?

15 A. In the very beginning, al Qa'ida coordinated itself much  
16 like any other organization. The leaders of al Qa'ida  
17 communicated by satellite telephone, by human couriers,  
18 physical meetings. However, increasingly after the September  
19 11th terrorist attacks, it became very, very difficult for  
03:41 20 these individuals to do so, namely because anyone using a  
21 telephone became a target. Anyone entering into a physical  
22 relationship became a target. It was just very easy to pursue  
23 individuals who engaged in this activity. As early as 1998,  
24 the United States Government was secretly tapping Osama bin  
25 Laden's satellite telephone.

1 As a result, these organizations and these leaders have  
2 turned to a new medium in order to communicate with each other  
3 and also to reach out to their supporters, their donors, and  
4 others. And that is -- the new medium is the internet, is the  
5 World Wide Web.

6 Q. How do each of these entities perceive each other? What's  
7 their relationship?

8 A. They consider themselves to be part of a global Jihadi  
9 movement. Whereas each of these franchises may have an  
03:41 10 individual cause, an individual particular priority in whatever  
11 country that they're in, they perceive that they're all working  
12 together towards a common goal. This extends to the fact that  
13 even now al Qa'ida in the Arabian Peninsula, al Qa'ida in Iraq,  
14 and other Jihadi movements all use the same flag. They all use  
15 the same banner. It's the specific al Qa'ida banner.

16 The reason that they do this is to show the fact that we  
17 may have our individual differences, but in the end, we  
18 cooperate on what matters most. And they have formed almost  
19 like a NATO of Jihad.

03:42 20 Q. How are they perceived organizationally by supporters?

21 A. By supporters, they're perceived as "one is just as good  
22 as the other." Anyone who is officially on the path of al  
23 Qa'ida, it doesn't matter whether you're talking about Somalia,  
24 Iraq, Afghanistan. The idea is that these organizations are  
25 all working towards the same goal. So if you're going to



1 provide support, whether it's money or other material support,  
2 it doesn't matter because, in the end, it's all going towards  
3 the same cause.

4 Q. Has al Qa'ida issued calls for support?

5 A. Very frequently, yes.

6 Q. Who has issued those calls?

7 A. Those calls have come from every single al Qa'ida leader,  
8 including Osama bin Laden; Doctor Ayman al-Zawahiri; al  
9 Qa'ida's former No. 3, Mustafa Abu al-Yazid, A-b-u, a-l,

03:43 10 Y-a-z-i-d; Abu Yahya al-Libi. Every single person who speaks  
11 on behalf of al Qa'ida has at one point or another called for  
12 some kind of material support, anything from prayers to money,  
13 to weapons, to recruits, most importantly, recruits.

14 Q. How has al Qa'ida --

15 MR. CARNEY: May we approach, please? I object.

16 THE COURT: All right.

17 (SIDEBAR CONFERENCE AS FOLLOWS:

18 THE COURT: I think I know what but go ahead.

19 MR. CARNEY: I brought this issue to the attention of  
03:44 20 the Court earlier regarding the use of the phrase "material  
21 support." For example, the jurors are aware that the defendant  
22 is charged with providing material support. This witness just  
23 defined "prayers" as being material support.

24 Perhaps not today but on Monday morning, I'd like to  
25 give your Honor a suggested limiting instruction or an

1 instruction on what the definition is of "material support,"  
2 that it is a term of art used in the statute and that only you  
3 will define what material --

4 THE COURT: I'm happy to tell them that now.

5 MR. CARNEY: All right. So that -- and I'd also be  
6 grateful if there's a way that this witness would not use the  
7 phrase "material support."

8 MR. CHAKRAVARTY: I'm happy to admonish him to do  
9 that.

03:45 10 MR. CARNEY: So casually --

11 THE COURT: I think he'll get it from what I say.

12 MR. CARNEY: -- so as to include prayers, which just  
13 happened.

14 THE COURT: I'm not going to define it myself now.  
15 I'm just going to say it is a matter to be defined in statutory  
16 terms and the -- and the use of it by the witness should not be  
17 taken as the legal definition that I will have to provide.

18 MR. CARNEY: Would it also be possible for your Honor  
19 to indicate that it even would be a good idea if the witness  
03:45 20 did not use the phrase "material support" since that's just  
21 going to lead to jury confusion?

22 MR. CHAKRAVARTY: I don't mind him admonishing or if  
23 your Honor wants to do.

24 THE COURT: I can ask him now.

25 . . . END OF SIDEBAR CONFERENCE.)

1 THE COURT: Jurors, the witness just used -- in  
2 answering that question, used the term "material support." One  
3 of the -- some of the charges in the case involve a statutory  
4 based -- statute-based accusation of providing material  
5 support.

6 For purposes of the legal issues of the case, that is  
7 a matter I will define for you at the appropriate time. A  
8 casual use of it by the witness should not be taken by you as  
9 any indication of the legal meaning or the standard that you'll  
03:46 10 have to apply in using it. I don't think it was intended that  
11 way, but it would be wise, Mr. Kohlmann, if you'd avoid the use  
12 of the statutory term because of the potential for confusion.

13 THE WITNESS: Not a problem, your Honor.

14 MR. CARNEY: Thank you.

15 Q. What types of support, without characterizing it, has  
16 al Qaeda solicited?

17 A. Al Qaeda has solicited a number of different forms of  
18 support. It has put out calls for financing, money, cash,  
19 weapons, and, most importantly, recruits, the necessity for  
03:47 20 men, for individuals, to travel to foreign conflict zones to  
21 join  
22 al Qaeda or its affiliates and participate in violent combat  
23 as well as a variety of other means, including everything from  
24 -- again, from prayer to producing videos, to helping put out  
25 al Qaeda's message.

1 Q. How has al Qa'ida issued these calls?

2 A. These calls have been contained in official video  
3 recordings and audio recordings of Osama bin Laden, Doctor  
4 Ayman al-Zawahiri, the other leaders of al Qa'ida. They have  
5 been contained in al Qa'ida magazines, such as Sawt al-Jihad,  
6 the voice of Jihad, magazine. Virtually every single al Qa'ida  
7 document somewhere talks about the necessity of providing  
8 support, of supporters giving support back to al Qa'ida in some  
9 form or another.

03:48 10 Q. Has al Qa'ida specifically targeted Western Muslim young  
11 men?

12 A. It has, yes.

13 Q. How so?

14 A. It has specifically used as spokesmen individuals who  
15 speak English as opposed to Arabic. It has specifically issued  
16 calls directed to Muslim men, young men, living in Western  
17 countries, particularly in the United States. It has called  
18 for these individuals to engage in various forms of action in  
19 support of al Qa'ida, everything from carrying out violent  
03:48 20 attacks inside U.S. borders to translating material into  
21 English.

22 Q. Describe how al Qa'ida has been led with regards to these  
23 types of activities? How have they been coordinated?

24 A. They've been largely coordinated over the internet.

25 Al Qa'ida initially put out many of these calls through

1 satellite television, one particular channel, Al Jazeera.  
2 However, Al Jazeera has nothing to do with al Qa'ida. It's  
3 just a TV station. So when Al Jazeera would put out these  
4 videos, they would put out excerpts, very short excerpts, 30  
5 seconds of a video that might be an hour long.

6 Al Qa'ida began to complain that its message was being  
7 lost, that these sound bites that were being shown on satellite  
8 TV were not communicating the full message. So al Qa'ida  
9 doesn't own its own TV station. It doesn't really control a  
03:49 10 radio station. So the only frontier, the only means through  
11 which it could get out its raw, unadulterated message, was  
12 through the internet.

13 Q. Does al Qa'ida have a media wing?

14 A. It does, yes.

15 Q. What is it?

16 A. There are actually more than one media wing. Al Qa'ida's  
17 central leadership on the Afghan-Pakistani border has its own  
18 media wing. That's al Qa'ida's central media wing. It's known  
19 as as-Sahab, a-s, S-a-h-a-b, which, in Arabic, means "the  
03:49 20 clouds." As-Sahab is responsible for producing every single  
21 video recording, audio recording, of Osama bin Laden, of Doctor  
22 Ayman Zawahiri, of other individuals from within al Qa'ida  
23 central leadership that has ever been released either on the  
24 internet or on satellite TV. They are responsible for all of  
25 that -- producing all of that material.

1 Q. You mentioned there were other media wings. Affiliates, I  
2 presume?

3 A. Yes. Each al Qa'ida affiliate has their own media wing,  
4 responsible for producing their own propaganda material.  
5 Al Qa'ida in Iraq, the name of their media wing is now known as  
6 the al-Furqan media wing. In Yemen, al Qa'ida in the Arabian  
7 Peninsula, their media wing is known as al-Malahem,  
8 M-a-l-a-h-e-m. The idea being that each of these groups can  
9 create their own media.

03:50 10 But it should be understood though that they borrow from  
11 each other. Videos put out by AQAP's media wing in Yemen  
12 frequently contain excerpts of material that they've grabbed  
13 from videos produced by as-Sahab, showing bin Laden or  
14 Zawahiri. They borrow from each other's media, and they  
15 respond to each other's media.

16 Q. How does al Qa'ida's command and control operate versus a  
17 typical organizational structure like a military or a company?

18 A. Again, it used to be much more centralized. Before the  
19 September 11th terrorist attacks on the United States,  
03:51 20 al Qa'ida's leadership, its organizational processes, they were  
21 much more centralized. When al Qa'ida decided to carry out the  
22 attack in 1998 against two U.S. embassies in East Africa, it  
23 was actually Osama bin Laden who personally issued the order  
24 for the operation over a satellite telephone.

25 However, as time has gone on, this idea of having a very

1 centralized command and control process, the decision-making  
2 process, that just doesn't work functionally, not in an era  
3 where satellite telephone conversations are being targeted or  
4 being recorded, et cetera.

5 So nowadays, there are decisions that are made by  
6 al Qa'ida affiliates. They make those decisions in line with  
7 what they understand bin Laden or Zawahiri to be ordering them  
8 to do. Occasionally they do receive direct orders. But it is  
9 much more of a decentralized -- not autonomous but more  
03:52 10 autonomous process.

11 Q. Are there redundancies in the current operating model?

12 A. Definitely, definitely. I mean, there are individuals  
13 responsible for coming up with terrorist attacks in Yemen.  
14 There are individuals responsible for coming up with terrorist  
15 attacks on the Afghan-Pakistani border. There are individuals  
16 spread out all over the place. And al Qa'ida has increasingly  
17 embraced the idea that it doesn't really matter what country  
18 you're in as long as you have the capability of providing a  
19 significant support or a significant value to the organization.

03:52 20 MR. CHAKRAVARTY: Your Honor, I'm going to go into  
21 media. So I think it's a good time to break.

22 THE COURT: We've reached 1:00. All right, jurors.  
23 We'll recess for the weekend. Enjoy the weekend. We'll see  
24 you on Monday morning and continue with the evidence.

25 (Whereupon, at 1:02 p.m. the trial recessed.)

## C E R T I F I C A T E

We, Marcia G. Patrisso, RMR, CRR, and Cheryl Dahlstrom, RMR, CRR, Official Reporters of the United States District Court, do hereby certify that the foregoing transcript constitutes, to the best of our skill and ability, a true and accurate transcription of our stenotype notes taken in the matter of Criminal Action No. 09-10017-GAO-1, United States of America v. Tarek Mehanna.

/s/ Marcia G. Patrisso  
MARCIA G. PATRISSE, RMR, CRR  
Official Court Reporter

/s/ Cheryl Dahlstrom  
CHERYL DAHLSTROM, RMR, CRR  
Official Court Reporter

Date: December 2, 2011